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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE STATE OF INDIANA,

DURING THE

TWENTY-NINTH SESSION

OF THE

GENERAL ASSEMBLY.

INDIANAPOLIS:

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1844.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE STATE OF INDIANA,

During the Twenty-Ninth Session of the General Assembly, begun and held in the Capitol, in the Town of Indianapolis, on Monday, the second day of December, in the year of Our Lord one thousand eight hundred and forty-four, being the day fixed by the Constitution of the State for the meeting of the General Assembly.

The House having been called to order by William H. English, Principal Clerk of the last House of Representatives, assisted by W. Jennings Vawter, Assistant Clerk of the last session of the State Legislature, the following members appeared, produced their credentials, were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz:

From the county of Wayne—Joseph Lewis, Walter Legg, and Eli Wright.

From the counties of Dearborn and Ohio—Oliver Heustis, John Lewis, and William Lanius.

From the county of Vigo—John Hodges, Caleb Garrett, and David M. Jones.

From the county of Putnam—Alexander C. Stevenson, Ambrose D. Hambrick, and David Wills.

From the county of Rush—George B. Tingley and James Hinchman.

From the county of Parke—Hugh J. Bradley and James Kerr.
From the county of Clark—John S. Simonson and Thomas J. Howard.

From the county of Harrison—Frederick Leslie.

From the county of Washington—William Shanks and John Kelley.

From the county of Marion—John L. Bruce and John M. Jamison.

From the county of Jefferson—Milton Stapp and Thomas L. Sullivan.

From the county of Franklin—Joel Palmer and David G. Hannah.

From the county of Fayettee—Newton Claypool and Samuel Little.

From the county of Laporte—Andrew L. Osborn and John M. Barclay.

From the county of Henry—Isaac Parker and John W. Grubbs.

From the county of Montgomery—Henry F. Snook and Francis H. Fry.

From the county of Tippecanoe—John W. Odell, Isaac Shelby, and Philip Foresman.

From the county of Boone—John Duzan and Harvy G. Hazehrigg.

From the county of Madison—Thomas McAllister and Thomas Bell.

From the county of Fountain—John R. Jones.

From the county of Orange—Joel Vandever.

From the county of Shelby—Augustus C. Handy.

From the county of Warrick—Isam Fuller.

From the county of Vanderburg—James T. Walker.

From the county of Knox—Daniel G. McClure.

From the county of Sullivan—Thomas Turman.

From the county of Clay—Allen T. Rose.

From the county of Vermillion—Henry Hostetter.

From the county of Clinton—James Hill.

From the county of Warren—Leroy Gregory.

From the county of Morgan—Alexander B. Conduit.

From the county of Johnson—Franklin Hardin.

From the county of Jennings—DeWitt C. Rich.

From the county of Floyd—George J. Wolf.

From the county of Scott—David McClure.

From the county of Jackson—Samuel P. Mooney.

From the county of Switzerland—Thomas T. Wright.

From the county of Ripley—David Boardman.

From the county of Decatur—Joseph Robinson.

From the county of Cass—George W. Blakemore.

From the county of Elkhart—Joseph Cowen.

From the county of St. Joseph—William Miller.

From the county of Allen—Samuel Stophlet.

From the county of Hendricks—William T. Matlock.

From the county of Delaware—John Tomlinson.

- From the county of Grant*—James S. Shiveley.
From the county of Posey—James C. Endicott.
From the county of Gibson—William Montgomery.
From the county of Spencer—Thomas M. Smith.
From the county of Perry—Joshua B. Huckleby.
From the county of Randolph—Rayston Ford.
From the county of Union—Charles Nutter.
From the county of Greene—Lovel H. Rosseau.
From the county of Owen—Frederick Hauser.
From the county of Pike—Alvan Thomas Whight.
From the county of Crawford—Jonathan R. Brown.
From the county of Daviess—James P. McGauhey.
From the county of Martin—Cager Peek.
From the county of Lawrence—Lucian Q. Hoggatt.
From the county of Hancock—George Tague.
From the county of Bartholomew—William Herrod.
From the county of Monroe—David Byers.
From the county of Brown—Sylvanus Manville.
From the county of Dubois—Silas Davis.
From the counties of Miami and Wabash—John U. Pettit.
From the counties of Lake and Porter—Samuel J. Anthony.
From the counties of Carroll and Richardville—Andrew L. Robinson.
From the counties of Marshall, Fulton, and Stark—William G. Pomeroy.
From the counties of Huntington, Wells, and Blackford—Jared Darrow.
From the counties of Whitley and Kosciusko—Stephen H. Colms.
From the counties of Hamilton and Tipton—Wm. W. Conner.
From the counties of White, Pulaski, Jasper, and Benton—Gideon Brecount.
From the counties of Noble and Lagrange—William H. Nimmon.
From the counties of Steuben and Dekalb—Jacob Helwig.
From the counties of Adams and Jay—Robert Huey.

The House then proceeded to the election of a Speaker, Messrs. Shanks and Rich acting as tellers. On counting the first ballot it appeared that

Alexander C. Stevenson received	-	-	-	38 votes.
John S. Simonson	"	-	-	20 "
Andrew L. Robinson	"	-	-	19 "
Milton Stapp	"	-	-	8 "
George B. Tingley	"	-	-	5 "
Scattering	"	-	-	7 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

Alexander C. Stevenson received	-	-	-	-	43 votes.
John S. Simonson	"	-	-	-	22 "
Andrew L. Robinson	"	-	-	-	18 "
Milton Stapp	"	-	-	-	8 "
Scattering	"	-	-	-	6 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a third ballot, when it appeared that

Alexander C. Stevenson received	-	-	-	-	47 votes.
Milton Stapp	"	-	-	-	9 "
John S. Simonson	"	-	-	-	25 "
Andrew L. Robinson	"	-	-	-	10 "
Scattering	"	-	-	-	7 "

No person having received a majority of the whole number of votes given, the House proceeded to a fourth ballot; on counting which, it appeared that

Alexander C. Stevenson received	-	-	-	-	47 votes.
John S. Simonson	"	-	-	-	24 "
Milton Stapp	"	-	-	-	14 "
Andrew L. Robinson	"	-	-	-	7 "
Scattering	"	-	-	-	6 "

No person having received a majority of all the votes given, the House proceeded to a fifth balloting; when it appeared that

Alexander C. Stevenson received	-	-	-	-	45 votes.
John S. Simonson	"	-	-	-	23 "
Milton Stapp	"	-	-	-	20 "
Scattering	"	-	-	-	10 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a sixth balloting; when it appeared that

Alexander C. Stevenson received	-	-	-	-	47 votes.
Milton Stapp	"	-	-	-	21 "
John S. Simonson	"	-	-	-	17 "
Alvan Thomas Whight	"	-	-	-	4 "
Scattering	"	-	-	-	9 "

No person having received a majority of all the votes given, the House proceeded to a seventh balloting; when it appeared that

Alexander C. Stevenson received	-	-	-	-	48 votes.
Alvan Thomas Whight	"	-	-	-	21 "
Milton Stapp	"	-	-	-	11 "
Andrew L. Robinson	"	-	-	-	10 "
Scattering	"	-	-	-	8 "

No person having yet received a majority of the whole number of votes given, the House,

On motion of Mr. Shelby,
Adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment;

And proceeded to the 8th balloting for Speaker; when it appeared that

Alexander C. Stevenson received,	-	-	-	-	49 votes.
Milton Stapp,	"	-	-	-	42 "
Alvan Thomas Whight,	"	-	-	-	3 "
Scattering,	"	-	-	-	4 "

Neither of the gentlemen having received a majority of the votes given, the House proceeded to the 9th balloting, when it appeared that

Alexander C. Stevenson received,	-	-	-	-	49 votes.
Milton Stapp,	"	-	-	-	44 "
Scattering,	"	-	-	-	5 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a 10th balloting, when it appeared that

Alexander C. Stevenson received,	-	-	-	-	50 votes.
Milton Stapp,	"	-	-	-	44 "
Scattering,	"	-	-	-	4 "

Alexander C. Stevenson, having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, during the present session, and having been conducted to the Chair by Messrs. Sullivan and Gregory, briefly returned his thanks for the honor conferred upon him, and earnestly impressed upon the members the necessity of a cordial co-operation in the work of Legislation.

On motion by Mr. Leslie,

The House proceeded to the election of Principal Clerk, Messrs. Leslie and Whight acting as tellers. On counting the first ballot it appeared that

William H. English received,	-	-	-	-	-	46 votes.
A. W. Morris,	"	-	-	-	-	24 "
M. S. Ward,	"	-	-	-	-	12 "
Mr. Pearce,	"	-	-	-	-	5 "
Mr. Higgins,	"	-	-	-	-	9 "
Scattering,	"	-	-	-	-	2 "

No person having received a majority of all the votes given, the House proceeded to a second balloting; when it appeared that

William H. English received,	-	-	-	-	-	48 votes.
A. W. Morris,	"	-	-	-	-	24 "
M. S. Ward,	"	-	-	-	-	13 "
Mr. — Higgins,	"	-	-	-	-	9 "
Mr. — Pearce,	"	-	-	-	-	3 "

Neither of the candidates having received a majority of all the votes given, the House proceeded to a third balloting, when it appeared that

William H. English received,	-	-	-	-	-	46 votes.
A. W. Morris,	"	-	-	-	-	31 "
M. S. Ward,	"	-	-	-	-	9 "
Mr. — Higgins,	"	-	-	-	-	9 "
Mr. — Pearce,	"	-	-	-	-	3 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a fourth balloting; when it appeared that

William H. English received,	-	-	-	-	-	47 votes.
A. W. Morris,	"	-	-	-	-	28 "
M. S. Ward,	"	-	-	-	-	8 "
Mr. — Higgins,	"	-	-	-	-	12 "
Mr. — Pearce,	"	-	-	-	-	3 "

No candidate having received a majority of all the votes given, the House proceeded to a fifth balloting; when it appeared that

William H. English received,	-	-	-	-	-	48 votes.
A. W. Morris,	"	-	-	-	-	28 "
M. S. Ward,	"	-	-	-	-	8 "
Mr. — Higgins,	"	-	-	-	-	10 "
Mr. — Pearce,	"	-	-	-	-	4 "

No person having received a majority of all the votes given, the House proceeded to a sixth balloting; when it appeared that

William H. English received,	-	-	-	-	-	47 votes.
A. W. Morris,	"	-	-	-	-	26 "
M. S. Ward,	"	-	-	-	-	6 "
Mr. — Higgins,	"	-	-	-	-	10 "
Mr. — Pierce,	"	-	-	-	-	5 "
Scattering,	"	-	-	-	-	4 "

Neither of the candidates having received a majority of all the votes given, the House, at half past four o'clock, P. M.,

On motion of Mr. Parker,

Adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, DECEMBER 3, 1844.

The House met pursuant to adjournment;

And proceeded immediately to a seventh balloting for a Principal Clerk; when it appeared that

William H. English received,	-	-	-	-	-	46 votes.
A. W. Morris,	"	-	-	-	-	46 "
M. S. Ward,	"	-	-	-	-	2 "
Scattering,	"	-	-	-	-	4 "

No person having received a majority of all the votes given, the House proceeded to the eighth balloting; when it appeared that

William H. English received,	-	-	-	-	-	46 votes.
A. W. Morris,	"	-	-	-	-	47 "
— Pearce,	"	-	-	-	-	1 vote.
M. S. Ward,	"	-	-	-	-	2 votes.
Scattering,	"	-	-	-	-	2 "

No person having received a majority of the whole number of votes given, the House proceeded to the ninth ballot; when it appeared that

Austin W. Morris received,	-	-	-	-	-	41 votes.
M. S. Ward,	"	-	-	-	-	32 "
— Pearce,	"	-	-	-	-	13 "
Scattering,	"	-	-	-	-	12 "

[Mr. English having been withdrawn previous to the last ballot—note by the Clerk.]

Neither of the candidates having received a majority of all the votes given, the House proceeded to the tenth ballot: when it appeared that

A W. Morris had received,	-	-	-	-	-	35 votes.
M. S. Ward,	"	-	-	-	-	36 "
— Higgins,	"	-	-	-	-	9 "
— Pearce,	"	-	-	-	-	13 "
Scattering,	"	-	-	-	-	5 "

No person having received a majority of all the votes given, the House proceeded to the eleventh ballot; when it appeared that,
[Mr. English having been again put in nomination,]

William H. English received,	-	-	-	-	-	43 votes.
A. W. Morris,	"	-	-	-	-	20 "
M. S. Ward,	"	-	-	-	-	5 "
John H. Farquhar,	"	-	-	-	-	21 "
Scattering,	"	-	-	-	-	8 "

No person having yet received a majority of the whole number of votes given, the House proceeded to the twelfth ballot; when it appeared that

William H. English received,	-	-	-	-	-	47 votes.
J. H. Farquhar,	"	-	-	-	-	38 "
A. W. Morris,	"	-	-	-	-	9 "
Scattering,	"	-	-	-	-	4 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to the thirteenth ballot; when it appeared that

William H. English received,	-	-	-	-	-	48 votes.
John H. Farquhar,	"	-	-	-	-	46 "
Scattering,	"	-	-	-	-	4 "

No person having received a majority of the whole number of votes given, the House proceeded to the fourteenth ballot; when it appeared that

William H. English received	-	-	-	-	-	49 votes.
John H. Farquhar	"	-	-	-	-	48 "
Scattering,	"	-	-	-	-	1 vote.

Neither of the candidates having received a majority of all the

votes given, the House proceeded to the fifteenth ballot; when it appeared that

William H. English received,	-	-	-	-	-	49 votes.
John H. Farquhar,	"	-	-	-	-	49 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to the sixteenth ballot; when it appeared that, (Mr. English being again withdrawn,)

John H. Farquhar received,	-	-	-	-	-	54 votes.
A. W. Morris,	"	-	-	-	-	4 "
M. S. Ward,	"	-	-	-	-	8 "
Scattering,	"	-	-	-	-	34 "

It having appeared upon counting the sixteenth ballot for Principal Clerk, that there were two more votes given and counted than there were members present, the Speaker was about to declare Mr. Farquhar duly elected, when there arose a question of order; and after considerable debate in the premises,

Mr. Stapp moved the adoption of the following resolution :

Resolved, That John H. Farquhar is duly elected Principal Clerk of this House, excluding the two illegal ballots given in said election. Which was adopted.

Whereupon, Mr. Farquhar came forward and was sworn into office, by the Honorable David Kilgore, President Judge of the 11th judicial circuit of the State of Indiana, and entered upon the discharge of his duties.

When, on motion,

The House adjourned till two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment;

On motion by Mr. Robinson of Carroll,

The House proceeded to the election of an Assistant Clerk, Messrs. Robinson of Carroll, and Robinson of Decatur, acting as tellers; on counting the first ballot, it appeared that

George M. Davis had received,	-	-	-	-	-	50 votes.
Wm. Jennings Vawter had received (a complimentary						
vote of his party,)	-	-	-	-	-	37 "
Scattering,	-	-	-	-	-	10 "

Mr. Davis having received a majority of all the votes given, was declared duly elected Assistant Clerk of the House of Representa-

tives during the present session ; was sworn into office by the Honorable David Kilgore, President Judge of the 11th judicial circuit of the State of Indiana, and entered upon the discharge of his duties.

On motion by Mr. Robinson of Carroll,

The House proceeded to the election of a Door-keeper, Messrs. Robinson of Carroll and Matlock acting as tellers: when, upon counting the seventh ballot, it appeared that

Daniel M. Tilton had received,	-	-	-	-	-	67	votes.
Oliver Hackleman,	"	-	-	-	-	23	"
Scattering,	"	-	-	-	-	7	"

Mr. Tilton having received a majority of all the votes given, was declared duly elected Door-keeper of the House of Representatives, during the present session ; was sworn into office, and entered upon the discharge of his duties.

On motion by Mr. Whight,

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives have convened, formed a quorum; elected Alexander C. Stevenson, Speaker, John H. Farquhar, Principal Clerk, George M. Davis, Assistant Clerk, Daniel M. Tilton, Door-keeper ; and are now ready to proceed to legislative business.

Mr. Matlock offered for adoption the following resolution:

Resolved, That the House will not elect a Sergeant-at-arms until absolutely necessary.

Which was, on motion,

Laid on the table.

On motion by Mr. Handy,

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait on the Rev. Phineas D. Gurley, and request him to attend in the hall of the House of Representatives, to-morrow morning at ten o'clock, to open the present session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution, and seats be prepared for them on the right of the Speaker's chair.

Messrs. Handy and Leslie were appointed said committee on the part of the House.

Ordered, That the Clerk report the same to the Senate, and ask their concurrence therein.

On motion by Mr. Wright of Switzerland,

Resolved, That the standing rules of the last session be adopted for the government of this House during the present session of the General Assembly.

On motion by Mr. Whight,

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that both Houses are fully organized, and are now ready to receive any

communications that he may deem proper to make, and report to this House at what time such communications will be made, and that the Senate be informed of the adoption of this resolution, and the appointment of a similar committee on the part of that body is respectfully requested.

Messrs. Whight and Sullivan were appointed said committee on the part of the House.

Ordered, That the Clerk report the same to the Senate, and ask their concurrence therein.

Then, on motion,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DECEMBER 4, 1844.

The House met pursuant to adjournment.

The Speaker being absent,

On motion,

Mr. Stapp was called to the Chair.

On motion by Mr. Smith,

A call of the House was ordered.

The absentees were Messrs. Barclay, Bruce, Conner, Ford, Hillis, Jamison, Kerr, Lewis of Wayne, McCluer of Knox, McClure of Scott, Miller, Nimmon, Nutter, Parker, Pettit, Pomeroy, Rich, Tingley, Wilson, Wright of Wayne, and Mr. Speaker.

On motion by Mr. Claypool,

The further call of the House was dispensed with.

The following message was received from the Senate by Mr. Otto, their Principal Secretary :

MR. SPEAKER :

The Senate have adopted certain resolutions in the following words :

“Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected William T. Otto, Secretary, John Grant, Assistant Secretary, and Joseph Martin, Door Keeper; and that they are now ready to proceed to legislative business.”

“Resolved, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by the Senate as the rules of joint action for the present session ; and

that the House of Representatives be informed of the adoption by the Senate of said joint rules and their concurrence requested therein."

The Senate have reciprocated the resolution of the House of Representatives, appointing a committee of two members, to act with a similar committee on the part of the Senate, to wait on the Rev. Phineas D. Gurley, and request his attendance at the Hall of the House of Representatives, this day at 10 o'clock, A. M., to open the present session of the General Assembly with solemn prayer.

Mr. Morgan of Rush, and Mr. Chapman of Laporte, have been appointed a committee on the part of the Senate.

The Senate have also reciprocated the resolution of the House of Representatives, appointing a committee of two members, to act with a similar committee on the part of the Senate, for the purpose of waiting on His Excellency the Governor, to inform him that both Houses are now fully organized, and are ready to receive any communication that he may be pleased to make to them, and to report to their respective Houses, at what time he will make said communication.

Mr. Herriman and Mr. Henry have been appointed said committee on the part of the Senate.

On motion,

The resolution in the above message, adopting the rules and joint rules of the last session, for the government of the present, was reciprocated; and the Clerk ordered to inform the Senate of the same.

Mr. Handy, from the joint committee on the part of the House, to wait upon the Rev. Mr. Gurley, made the following report:

MR. SPEAKER:

The committee appointed to wait on the Rev. Mr. Gurley, have performed that duty, and now report that in compliance with the request of the House, he will attend in the Hall of the House of Representatives this morning at 10 o'clock, for the purpose of opening the session with prayer.

On motion by Mr. Hazelrigg,

Resolved, That the Door Keeper of this House, furnish it as soon as practicable, with one hundred and fifty copies of the rules and joint rules thereof, for the use of the members.

Mr. Claypool offered the following resolution:

Resolved, That the Senate be requested to attend in the Hall of the House of Representatives instanter, to hear the prayer of the Rev. Phineas D. Gurley, on the opening of the present session, and that seats be provided for them on the right of the Speaker's chair.

On motion,

The above resolution was laid on the table.

Mr. Robinson of Carroll, moved that the House do now proceed to the election of Sergeant-at-Arms;

Which motion did not prevail.

Mr. Gregory offered the following resolution :

Resolved, That this House will proceed to-morrow morning at half past 9 o'clock to the election of Sergeant-at Arms.

Mr. Palmer moved to lay the above resolution on the table.

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Brown, Claypool, Colms, Conduit, Davis, Duzan, Endicott, Ford, Foresman, Fuller, Grubbs, Hambrick, Hannah, Herod, Hill, Hinchman, Hoggatt, Howard, Leslie, Lewis of Wayne, Miller, Nutter, Odell, Palmer, Parker, Peek, Pomeroy, Rich, Shanks, Shiveley, Smith, Tague, Tomlinson, Walker, Wills, Wright of Switzerland, Wright of Wayne—37.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Bruce, Byers, Cowen, Darrow, Fry, Garrett, Gregory, Handy, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hodges, Hostetter, Huckleby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Lewis of Dearborn, Little, McCluer of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Osborn, Pettit, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shelby, Simonson, Snook, Stapp, Stophlet, Sullivan, Tingley, Turman, Vandever, Whight, Wolf, and Mr. Speaker—58.

The resolution was then laid upon the table by consent.

Mr. Simonson moved that the House adjourn.

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Brown, Byers, Davis, Gregory, Handy, Hauser, Hazelrigg, Helwig, Heustis, Hodges, Hoggatt, Howard, Huckleby, Huey, Lanius, Lewis of Dearborn, Manville, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Rosseau, Shanks, Shiveley, Simonson, Snook, Tingley, Turman, and Vandever—33.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Cowen, Endicott, Fuller, Garrett, Grubbs, Hannah, Herod, Hill, Jamison, Jones of Fountain, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Osborn, Parker, Pomeroy, Rich, Robinson of De-

catur, Smith, Stapp, Stophlet, Sullivan, Tague, Tomlinson, Walker, Wills, Whight, Wolf, Wright of Wayne, and Mr. Speaker—46.

So the motion to adjourn did not prevail.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House assembled.

Mr. Sullivan, from the joint committee to wait on his Excellency, the Governor, made the following report :

MR. SPEAKER :

The joint committee appointed to inform his Excellency, the Governor, that the two Houses of the General Assembly had convened and were ready to receive any communication he might please to make them, have performed that duty, and received for answer : that he will attend in the hall of the House of Representatives at half past 2 o'clock, P. M., this day.

On motion by Mr. Robinson of Carroll,

Resolved, That the reporters of the different newspapers in this city, and also in the State, be permitted to occupy seats within the bar of this House.

Mr. Osborn offered the following resolution for adoption :

Resolved, That the Door-keeper be authorized to contract with the publishers of the Indiana State Journal and State Sentinel, for two copies each of their respective papers, to be furnished to each member of this House during the session of the General Assembly, at a price not exceeding one dollar per copy.

Mr. Palmer moved to indefinitely postpone the resolution.

Mr. Robinson of Carroll called the previous question ;

Which was seconded.

The question was then taken on the adoption of the resolution, And the ayes and noes having been demanded,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Brecount, Brown, Conduit, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Garrett, Gregory, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hinchman, Hostetter, Howard, Huckaby, Jones of Fountain, Lewis of Wayne, McAllister, McClure of Scott, McGauhey, Manville, Miller, Osborn, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Rosseau, Shanks, Simonson, Smith, Snook, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Vandever, Walker, Wills, and Wolf—53.

Those who voted in the negative are,

Messrs. Blakemore, Boardman, Bradley, Bruce, Byers, Claypool, Colms, Fry, Grubbs, Hambrick, Handy, Hannah, Herod, Hodges, Hoggatt, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Leslie, Lewis of Dearborn, Little, McCluer of Knox, Montgomery, Nimmon, Nutter, Odell, Palmer, Parker, Rich, Robinson of Decatur, Shelby, Shively, Stapp, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—41.

So the resolution was adopted.

Mr. Handy offered the following resolution for adoption :

Resolved, That the House will adjourn, sine die, (the Senate concurring therein) on Monday, the thirtieth of December, 1844.

Mr. Huckaby moved to insert 20th,

When the resolution was laid on the table by consent.

Mr. Blakemore offered the following preamb'e and resolution for adoption :

WHEREAS, This House did on yesterday pass a resolution appointing a committee to act with a similar committee on the part of the Senate, to wait on the Rev. Phineas D. Gurley, to know of him whether he would open this General Assembly with solemn prayer ; and if so, at what time it would be his pleasure to do so. And, whereas, unavoidable circumstances as was the opinion of this House, made it necessary for this House to adjourn this day at 10 o'clock, A. M.,

Resolved, therefore, That a committee be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. Phineas D. Gurley, and know of him whether he will be pleased to open this General Assembly with solemn prayer ; and if so, at what time it will be his pleasure to do so, and report to this House.

Messrs. Blakemore and Simonson were appointed said committee on the part of the House.

On motion by Mr. Stapp,

Resolved, That the Senate be invited to attend in the hall of the House, instantler, to hear the message of his Excellency, the Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the hall, and took their seats on the right of Speaker's chair ;

When the Governor delivered the following message in the presence of both Houses.

MESSAGE.

*Gentlemen of the Senate, .
and of the House of Representatives :*

We have cause of deep thankfulness to a beneficent Providence, that during the past year we have been permitted, within the limits of our own beloved State, to enjoy the blessings of civil and religious liberty, unmolested by the hand of misguided zeal or lawless violence—that the sacred right of worshipping Almighty God according to the dictates of conscience, so justly conceded to each and every individual by the constitution, has, in practice, been scrupulously respected—that the benefits of education have been increased and extended in its various departments—that peace, morality, and good order have prevailed, the supremacy of the laws been acknowledged, and the mild influence of religion felt far and near.

The annual meeting of the Representatives of the State, to whose hands are temporarily committed the great and varied interests and well being of a confiding people, is in itself, well calculated to awaken that deep sense of responsibility which, it is confidently trusted, will insure wisdom and prudence in your councils, and eventuate in the public good.

As the public statutes of the State have recently undergone a thorough revision, and at great expense, the hope is indulged, that but few subjects of a general nature will, at this time, require your consideration. All legislation, but especially that which is general in its bearing, should be exercised with great care and deliberation, and (except in palpable cases) should be tested by time and experience, before resort is had to modification or repeal.

The ordinary expenses of the Government, for the fiscal year ending with the 31st day of October last, were \$93,368 73, as will be shown by the report of the Treasurer, which he will shortly lay before you. Of this sum, however, I am authorized to state, that more than \$17,000 were on account of stationery for the Revised Statutes of 1843, for printing and distributing the same, and for compensation of the revisors; and the same is therefore justly chargeable to the expenditures of former years. A considerable portion, also, of the expenses of the contingent fund, included in the first named sum, accrued during the year 1843, although audited and paid during the present year. By the same report it will be seen, that under a law of the Legislature, the Treasurer effected a loan from the Michigan City, Vincennes, and Fort Wayne Branches of the State Bank, to enable him to meet the expenses of the State. Provision, by law, was made at the same session, which, it was trusted, would ensure the faithful paying over to the Treasury, by the Collectors, the same currency by them received for State revenue; and as by the partial

absorption of the treasury notes in circulation, which are receivable for taxes, they had considerably increased in value, a hope was, and yet is entertained, that an amount of bankable funds will thus be collected, sufficient to meet the loan referred to, at maturity. But as these officers are, by the present law, not required to pay into the treasury the amount due for State Revenue, before the fourth Monday in February, it is earnestly submitted whether early provision should not be made to meet any unforeseen contingency in reference to this debt, as well as to defray the expenses of the ensuing year.

The Auditor, in his report herewith submitted, estimates the sum necessary for the ordinary expenses of the current fiscal year, at \$67,950. In this statement, however, it should be observed, he does not include any estimate for unaudited claims due before the 31st of October last, the State-house, the new State Prison, nor for the restitution of trust funds, which, as I am informed by him, had been, in the exigencies of the public service, paid out from the Treasury in former years without appropriation.

The subject of our State debt is of primary importance, and demands our utmost attention. On consulting the best sources of information, the following, it is believed, is a correct statement of the nature and present amount of all claims against us, with perhaps, a few unimportant variations :

FUNDED DEBT.

On account of Wabash and Erie Canal,	-	-	\$1,727,000
Internal Improvements, (proper,)	-	-	8,900,000
Bank, - - - - -	-	-	2,413,000
Madison and Indianapolis Rail-road,	-	-	456,000
Lawrenceburgh and Indianapolis Rail-road,	-	-	221,000
Surplus Revenue, - - - - -	-	-	294,000
Interest, and to redeem Treasury Notes,	-	-	1,100,000
			<u>\$15,111,000</u>

Of these there have been redeemed and cancelled in Bonds, - - - 1,829,000

There were cancelled without being put into circulation of the \$1,100,000, being seven per cent. Bonds, - - - 1,064,000

2,893,000

Outstanding, - - - \$12,218,000

Of these the bank regularly pays the interest on - 1,390,000

Leaving - - - \$10,828,000

On which no interest is paid, and no provision is made for its payment.

Of this sum, \$100,000 bears six per cent. interest; \$10,692,000 five per cent. interest, and \$36,000 seven per cent. interest.

The annual interest, therefore, on the Funded Debt, (exclusive of what is paid by the bank,) is on

\$100,000 at six per cent.,	-	-	-	-	-	\$6,000
\$36,000 at seven per cent.,	-	-	-	-	-	2,520
\$10,692,000 at five per cent.,	-	-	-	-	-	534,600
						<hr/>
						\$543,120
						<hr/>

The Domestic or Unfunded Debt may be stated as follows:

Six per cent. Treasury Notes, outstanding,	-	-	\$677,000
Interest thereon to 1st January, 1845,	-	-	170,000
Five per cent. Treasury Notes, outstanding,	-	-	513,000
Interest thereon, say 1st June 1842, to 1st Jan. 1845,			66,262
Borrowed of Michigan City Bank,	-	-	40,000
Borrowed of Vincennes Bank,	-	-	10,000
Borrowed Fort Wayne Bank,	-	-	6,000
Quarter per cent. Treasury Notes, outstanding,	-		39,000
			<hr/>
			\$1,521,262
			<hr/>

To this may be added the loans by the former operations of the Treasury, from various trust funds; which should be replaced as speedily as possible, particularly the amount borrowed from the Three per cent. Fund,—that being much needed and loudly called for by the various counties to which it belongs.

In this state of our affairs, and preparatory to action on the subject, it behooves us to carefully survey the whole ground, and note the obstacles which beset our path.

It is far more difficult to pay the interest on a foreign, than on a domestic debt. In the former case, there is an annual drain of the precious metals, which directly, (and under the present banking system, to a far greater extent, indirectly,) diminishes the circulation of the country. In the latter case the interest is paid to citizens residing in the same country, in the local currency,—it still remains in the same community, and no material diminution in the circulation is occasioned.

The government of Great Britain would be crushed under the weight of its immense debt, were it not due to its own subjects. Their onerous taxes could not be borne, if they were not simultaneously received from, and paid out to persons inhabiting the same country. A constant drain of specie cannot be long sustained by any country, unless the vacuum thereby occasioned, is from time to time replenished by the exportation of industrial products.

The same is true of our foreign commerce. Cash payments for balances in favor of imports would, if continued, shortly drain the whole country of specie. Before that time would arrive, however, the greater cheapness of the staples, arising from their accumulation at home, and the scarcity of money caused by its being sent abroad, would occasion the former to be exchanged for the latter, and the equilibrium would be restored. The comparatively small amount of specie brought into the United States, by immigration, or produced from our mines, can not be relied on for restoring these balances, in as much as it scarcely keeps pace with the rapid growth of our population, as compared with that of most other countries. The balance of the trade of the United States may at times be unfavorable. But in that case it will soon be restored by a corresponding amount of exports. For, if it is at once restored by cash payments, still there must be an excess of exports afterwards, to supply the loss of currency occasioned by such payments, which amounts to the same thing. Thus, while our own commercial history shows these vibrations in trade, it also establishes the fact that the average exports and imports of the United States are equal. The apparent balances against us, while many of the States were engaged in making loans from abroad, for objects of improvement, and other purposes, arose from the fact that the far greater part of these loans passed through our custom houses in the shape of goods, into which they had been converted in Europe. These loans of the indebted States amount to above \$200,000,000, and it is manifest from what has been said, that this large *balance* when paid, with its accruing interest, must be met, directly or indirectly—sooner or later—by the increased exportation of our agricultural and other staple products.

If the foregoing views are correct, the discharge of our foreign indebtedness will be more or less onerous, accordingly as the tariff policy adopted by the general government, is more or less restricted. Indiana is now almost destitute of a currency, because there has been a constant drain upon it, to pay our large balances due to the eastern cities. To supply this deficiency, we must have a ready and profitable sale of our agricultural productions. A common argument in favor of the restrictive system, is, that it furnishes a home market for the farmer. But a reference to the returns in the last census, demonstrates that the agricultural productions of the United States far exceed any domestic demand for consumption. And they would be still greater, if the industry and enterprise of the farmer, were stimulated by remunerating prices. The manufacturing States, are themselves, largely agricultural. What they lack in supplying the demand within their own limits collectively, could be easily furnished by a single western State. Where then are the other agricultural States to find a market for their surplus? Or, should there be an increase of manufacturers, sufficient to consume the surplus produce of the whole country, where would their fabrics find a mar-

ket? "At home, the demand would bear no proportion to the supply," and (if the doctrine of the restrictionists themselves is correct) "abroad, others would undersell."

The wealth of a country consists in the products of labor, in its largest sense. The aggregate of this wealth cannot be increased by legislation; it is limited by the number, strength, industry, and skill of those engaged in its acquisition. Any legislation, therefore, that gives certain individuals in the community, higher prices for their products than they could ordinarily get in the natural course of trade, or, in other words, bestows upon them more than their share of the aggregate wealth created by the joint efforts of all, must do it at the expense of others. We have an illustration of this truth in the operation of the existing "protective system," as it is styled by its advocates. We are now paying increased prices for fabrics of the large manufactories, which are consequently dividing exorbitant profits, many of them from 10 to 30 per cent., on their investments. And yet the prices of western produce, our almost exclusive reliance for meeting this large and increasing drain on our means, are at the lowest ebb. We need a system that will "protect" as equally as practicable, the industry of the farmer and small mechanic as well as that of the wealthy capitalist. The question is not, whether duties on foreign goods shall be *abolished*, but what shall be their *extent*? Any amount of duty operates as a corresponding protection to the large manufacturer of the rival domestic article, who, therefore, under this system, must always have an advantage to that extent over the labor of the farmer. And ought he not to be satisfied with this advantage when created by duties sufficient for a reasonable revenue?

It has not been proposed in Congress to reduce the tariff duties below those established under the administrations of Washington, Jefferson or Madison. On the contrary, a willingness has been manifested to go beyond them, if found necessary, for the economical expenditure of the government.

Many advocates of the so called "*protective*" policy profess to be in favor of a system limited to the fiscal necessities of the country, or as it is usually termed, a Revenue Tariff. But under the existing tariff regulations, we find that the revenue will largely exceed the legitimate wants of the Treasury. This not only tempts to lavish prodigality on the part of government, but it operates as an oppressive tax on western labor. Its effect is the greater or less exclusion of imports, which, as has been shown, must limit the amount of our exports to a corresponding extent. This results directly as a twofold injury to the farmer, for, by the exclusion of foreign manufactures the demand for and prices of the domestic article which he is compelled to purchase, is increased, while the demand for the produce of his own labor, thus accumulated at home, is limited, and the price consequently diminished.

The most thorough conviction is felt, that our embarrassments

must, to a greater or less extent, be aggravated, while such a system continues to exist.

The great mass of our fellow citizens, I will not suffer myself to doubt, are willing—nay, anxious—to meet all our just obligations. With them it is not a question of inclination but of ability. But the extent of the debt, the actual condition, and the means of the State, and a more thorough examination of the whole subject, have only served to confirm me in the opinion I expressed on a former occasion, that it is beyond our power to meet our liabilities. Indeed, so far as my observation has extended, the opinion advanced by my predecessor in his last annual message, “that we cannot now pay the interest on our public debt,” is universally entertained among the people of the State.

Since the last adjournment, I have received a communication from Boston, enclosing a memorial from sundry of our bondholders in London. It was only competent for me to acknowledge its receipt, express my individual opinion as to the ability of the State to meet their claims, and engage to lay the memorial before the General Assembly, which is accordingly done.

Under all the circumstances, I would recommend that provision be made by law for the appointment of one or more commissioners, to receive any such communications as may be hereafter addressed to the authorities of the State, in reference to this matter, in the hope of making an arrangement as to all our just debts, which, while it will bring the subject within our means, will save the honor of the State, and be satisfactory to our creditors. Such an arrangement should, of course, not be binding until ratified by the Legislature, or what is perhaps better, until confirmed by a direct vote of the people. The latter, it is understood, was the course adopted by Michigan in relation to a portion of her debt, and that the arrangement was duly ratified at the polls by her citizens.

Few among us, I hope, would be found willing to repudiate any just claim against the State, and I have great confidence that if in the manner proposed, a plan for extinguishing the debt is matured and agreed upon,—one which in terms will be feasible and clearly brought within the ability of the State to meet, that an appeal to the moral sense of the citizen for his approval at the ballot box, will not be made in vain.

The settlement of this question would infuse more of confidence throughout the community, would improve the credit of our citizens individually, would encourage immigration and hasten the improvement of the country. Our creditors, too, when thoroughly informed of our condition, and the extent of our means, will, it is hoped, see their own interest in an early adjustment of this matter, before the present anxiety of the people to discharge the debt is succeeded by apathy and despair.

In some of the indebted States the payment of their foreign liabilities, by a sale of their public works, has been agitated. In favor of

this policy in our own State, it has been urged by some that our creditors advanced the loans, not on the ability of the State to make payments with its disproportionate resources, with which they must have first made themselves acquainted, but on the expected productiveness of the works for the construction of which the loans were made—that they could be finished more cheaply and speedily by individual enterprise than by government—that when completed they would be equally as profitable to the purchasers as to the State, if she were the proprietor; and that they could make payment for them at the cost of construction, in our depreciated bonds at par. On the other hand the advantage to the State by the adoption of such a measure, it has been suggested, would be, that these works would thus speedily be completed, which otherwise it would be impossible for the State with her present means and credit to finish—that the benefit to our citizens would, in that case, be as great as though the works were constructed by the State—that the progress of the works would give employment to our labor and a market for our produce, and finally, that our State debt would thus be proportionally absorbed. Provision might be made to limit the sales to the unfinished works, to prevent the exaction of extravagant tolls and charges, and that the works themselves should ultimately revert to and be the property of the State. Other restrictions might be added if found necessary for the rights of the respective parties.

I am aware that by an act of our Legislature of 1842, the privilege was extended to our creditors to purchase from the State all or any part of these works without restriction, making payment therefor in our bonds at their face. Although no bonds have been received in this way, it may have arisen from the fact, that it not only requires the joint action of a considerable number of our bondholders to make such an undertaking feasible or profitable, but they might desire further legislative action to secure their rights.

Power might also be conferred on the same Commissioners to negotiate with our creditors in relation to the latter mode, subject, in like manner, to the ratification of the people, if the Legislature, on a full examination of the whole ground, shall deem it advisable.

By the adoption of some such measure for receiving overtures from, and negotiating with, our creditors, preliminary to a final adjustment of the whole matter, we shall give stronger evidence of that sincere desire, which I am satisfied is felt among us generally, to restore the honor and credit of the State, and of its citizens, than by vague and general professions against repudiation.

By the accompanying report of the Adjutant General it will be seen, that under existing laws, no returns of the strength of the militia of the State have been received, and that in consequence we have been drawing our quota of public arms from the General Government ever since the year 1832, on the basis of the report then made of our military strength to the War Department. That quota is estimated at the yearly value of \$5,320 00, and as our population

has more than doubled since that period, the just annual value, had we now the means of reporting our strength, would amount to at least \$10,640 00. Besides the loss already sustained on this account since 1832, it will be seen that in the ensuing ten years it would amount to more than \$50,000, and that too without taking into consideration our future growth in population.

By the report of the Quartermaster General, herewith submitted, it will be seen that no record or account has been found in his office of the arms received by the State from the General Government, under the act of Congress of 1808, until the 31st of December, 1832, nor from the 22d of August, 1837, until the quota received during the present year, although we are advised, by a letter from the Ordnance office, of the 20th of March last, that "the State of Indiana has drawn her regular annual quota up to and including the year 1843."

In this connection a few remarks will be submitted as to the security and preservation of the public arms. The usage has hitherto prevailed of loaning them to independent companies, organized from time to time, under the laws. The law of 1831 required receipts to be taken for all arms thus distributed; yet by that report it is shown that but one such receipt has been found,—that the only record or account found of such distribution commences in June, 1835, showing that the public arms thus distributed amount to the estimate of 1857 muskets, amounting, with the accoutrements, to 26,579 dollars, which falls short of what was received during the same period to the amount of 2,401 muskets, worth 31,622 dollars, for which there is neither charge nor receipts. In consequence of this omission, the Quartermaster General is mainly dependent on casual information, for a knowledge of the locality and condition of the far greater portion of the arms heretofore distributed. In many cases it is ascertained that companies receiving arms have been subsequently broken up or disbanded, that the arms have been scattered and injured; and in most cases, (especially as to those which were early distributed,) it is feared they have been entirely lost to the State. Some public spirited officers, it is understood, have adopted the precaution of keeping the arms allotted to their respective companies, in their own care, excepting on days when they are required for manual exercise. As the commandant of the company is now made responsible by law for the safety of the arms, it is respectfully submitted, whether justice to him, as well as the interest of the State, do not require that his personal custody of the arms, with the limitation referred to, should not enter into the bond which he is now required to give for their preservation.

Unless our just proportion of the public arms are duly received and faithfully preserved, it is manifest that the wisdom and foresight of the General Government in providing them at great expense, for the different States, will, to a great extent, prove abortive, so far as Indiana is concerned. It is therefore submitted to the wisdom of the

Legislature, whether some measure should not be adopted, to enable us to receive our rightful proportion of the public arms.

No official information has as yet been received of the progress made during the present year, in the extension of the Wabash and Erie Canal from Lafayette to Terre Haute. It is understood, however, that the report of the Superintendent will soon be communicated to you, and that that officer, the contractors, and others engaged in the construction of the canal, have been as actively employed as the embarrassments connected with the work would permit.

It is respectfully recommended that every facility consistent with other interests, be afforded to that important enterprise. As it will be attended with no further expense to the State, the lands granted by Government being deemed sufficient for its construction, the sooner it is completed, the better it will be for every interest concerned.

Under the authority of a joint resolution of last session, John H. Roberts, of Putnam county, Edwin J. Peck, of Marion county, and William Wines, of Vigo county, were appointed, immediately after the adjournment, to examine the foundation, materials, workmanship, and progress of the new State Prison. As their report, under the resolution, might, by its requirements, render early action on my part advisable, to avoid delay, I repaired forthwith to Jeffersonville, to afford all necessary assistance. Mr. Wines being prevented from meeting his colleagues there, his place was supplied by the appointment of Benjamin Cornelius, of Floyd county. The report of these gentlemen made it my duty, under the resolution, according to my judgment, "to cause the work to be suspended." On looking into the contract, it was next thought expedient to endeavor to compound with the contractors for its relinquishment, as authorised by the resolution. As the contractors would entertain no terms of compromise whatever, a new contract was entered into, by which ample security was provided for the future—the number of cells originally contracted for, and the form, dimensions, and materials of the work to be thereafter constructed, were made subject to alteration by the Executive or the Legislature. It was also provided, that all claims for damages or compensation on the part of the contractors, by reason of the deviation from, or stoppage of, the original contract, were thereby relinquished. Failing to effect a compromise, as before remarked, the question whether any, and if any, what, compensation should be paid for the work condemned by the examiners, (limited principally, if not wholly, to the foundation of the outer wall) was, by the new contract, left open for the future action of the Legislature. The report of the examiners, exhibiting the condition of the work in detail, is subject to the inspection of the Legislature, and their report, as visitors of the old State Prison, will shortly be submitted to you.

The report of the superintendent of the work under the new contract, will also be laid before you when received.

The preparation of a system for the management, discipline, and

government of the State prison, under the exclusive control of the State, required by the last named resolution, has been deferred for the want of information on the subject from other States, which I am in the expectation of receiving. This postponement has occasioned the less regret, as, besides the desire of profiting by the experience of similar institutions elsewhere, the contemplated system, if found expedient, could not go into operation until the expiration of the term for which the State prison has been let to the present superintendents. I am gratified, however, on reflection and inquiry, in being able to express my conviction, that whether the institution be conducted under individual or State control, the labor of the convicts can, as soon as the new prison is completed, be diverted into such channels as will confine them within the prison walls; and which, while it will be more profitable to the State, will not enter into competition with the mechanical industry of the citizen. It is submitted whether the cognizance of minor offences punishable by indictment, under existing laws, might not be advantageously transferred to justices of the peace, where the fine imposed would come within their jurisdiction, and yet be regarded as an adequate punishment. This course, if found practicable, would afford the circuit courts more time (generally much needed,) for the consideration of more important business, relieve many persons from a heavy tax upon their time as witnesses in these courts, for which, in criminal cases, by the present law they receive no compensation; exempt the defendant from a higher bill of costs, which independent of the fine, makes the punishment disproportionate to the offence, cause a more prompt and general execution of the penal laws of that grade, and tend to some extent to relieve the supreme court of its heavy and increasing labors.

The amount of business before the Supreme Court, occupying nearly all the time of the Judges, with the prospect of its greater increase, in future, demands the early attention of the Legislature. It is unnecessary to remark on the great importance of prompt action in this matter to the rights of individuals and to the public interest.

By a joint resolution of the last Legislature, the Executive was requested to communicate by mail with the Governor of New York, expressive of the desire that the privilege of a drawback on salt manufactured in that State and delivered at Lafayette might by law be extended to all other points on the Wabash and Erie canal. This duty was performed, but no information has yet been received of the result of the application.

The annual report from the Board of Examiners of the Infirmary at Lafayette for the relief of the sick connected with the navigation of the Wabash and Erie canal, in which they set forth the causes that have rendered the act of the last session providing for that institution, inoperative, has been received, but not in time, to be noticed

more particularly in this communication. It will at an early day be submitted to you for such action as you may deem advisable.

The Trustees of the Indiana Asylum for educating the Deaf and Dumb, have been organized under a law of the last session appointing them, and have been actively engaged in the discharge of their duties. The report of their proceedings, required by that act, has not as yet been furnished by the committee to whom its preparation was assigned, but I am gratified in being enabled to state that they have succeeded in procuring the continued services of qualified teachers in the institution, that the instruction of a number of Deaf mutes has been continued without interruption, and that the success of that benevolent enterprise, considering the infancy of the establishment, and the means at its disposal, have fully equalled expectation. The report referred to, containing a detailed account of the progress, and present condition of the Asylum will shortly be laid before the Legislature.

While on this subject, I desire earnestly to call your attention to the importance of providing an institution for the education of the Blind, and for the construction of a Lunatic Asylum. Modern philanthropy has happily devised the means of educating those who are deprived of sight, and we should regard it as a sacred debt which we owe to these unfortunates to afford them the benefit of this benevolent discovery. It is now ascertained that insanity, the most terrible disease which afflicts our race, will in a majority of cases, readily yield to medicine, and kind treatment, if these means are resorted to in time. Its wretched subjects would thus be restored to the kindly charities of the domestic circle, to the benefits of society, and to their various relations, obligations, and advantages as members of the State.

Surely these unfortunate classes are all entitled to our warmest sympathy, and their relief to the extent of our ability, is called for by sound economy, by enlightened policy, by the gratitude we owe to a merciful Providence, for our own exemption from these evils, and by the obligations of religion.

That your deliberations may be characterized by wisdom, moderation, and harmony, is my ardent wish, and all measures for sustaining the honor and credit of the State, and for the promotion of the common welfare, will receive my hearty co-operation.

JAMES WHITCOMB.

EXECUTIVE CHAMBER, }
December 3, 1844. }

On motion by Mr. Robinson of Carroll,

The following resolution was taken from the table.

Resolved, That the House will proceed to morrow morning at half past nine o'clock, to the election of Sergeant-at-Arms.

The resolution was then amended (by consent of the mover) so as to read *instantly*.

Mr. Stapp moved to lay the resolution on the table;
Which did not prevail.

The question then recurring on the adoption of the resolution.
The ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Bruce, Byers, Colms, Darrow, Davis, Duzan, Endicott, Fry, Garrett, Gregory, Hambrick, Handy, Hardin, Hauser, Helwig, Heustis, Hill, Hinchman, Hodges, Hostetter, Howard, Huckleby, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Lewis of Dearborn, McAllister, McCluer of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Mooney, Nimmon, Osborn, Peek, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shelby, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Walker, Wills, Whight, Wright of Switzerland, and Mr. Speaker—67.

Those who voted in the negative are,

Messrs. Bell, Boardman, Brown, Claypool, Conduit, Cowen, Fuller, Grubbs, Hannah, Hazelrigg, Herod, Hoggatt, Jones of Fountain, Leslie, Lewis of Wayne, Nutter, Palmer, Parker, Rich, Shanks, Shiveley, Vandever, Wolf and Wright of Wayne—25.

So the resolution was adopted.

The House then proceeded to the election of Sergeant-at-Arms, Messrs. Robinson of Carroll, and Hazelrigg acting as tellers; when, upon counting the first ballot, it appeared that

Mr. Lyman Leslie received	-	-	-	-	-	-	-	11 votes.
“ Howard	“	-	-	-	-	-	-	5 “
“ Arion	“	-	-	-	-	-	-	7 “
“ Johnson	“	-	-	-	-	-	-	5 “
“ Roberts	“	-	-	-	-	-	-	32 “
“ Eldridge	“	-	-	-	-	-	-	7 “
“ Tice	“	-	-	-	-	-	-	5 “
“ Markle	“	-	-	-	-	-	-	19 “
“ Taylor	“	-	-	-	-	-	-	3 “
Scattering	“	-	-	-	-	-	-	3 “

No person having received a majority of all the votes given, the House proceeded to a second balloting; when it appeared that

Mr. Leslie received	-	-	-	-	-	-	-	14 votes.
“ Howard	“	-	-	-	-	-	-	4 “
“ Arion	“	-	-	-	-	-	-	9 “
“ Roberts	“	-	-	-	-	-	-	30 “

Mr. Morrison	"	-	-	-	-	-	-	-	3 votes.
" Eldridge	"	-	-	-	-	-	-	-	9 "
" Tice	"	-	-	-	-	-	-	-	4 "
" Markle	"	-	-	-	-	-	-	-	19 "
Scattering	"	-	-	-	-	-	-	-	6 "

No person having received a majority of all the votes given, the House proceeded to a third balloting; when it appeared that

Mr. Leslie	received	-	-	-	-	-	-	-	20 votes.
" Arion	"	-	-	-	-	-	-	-	7 "
" Roberts	"	-	-	-	-	-	-	-	29 "
" Eldridge	"	-	-	-	-	-	-	-	12 "
" Markle	"	-	-	-	-	-	-	-	19 "
Scattering	"	-	-	-	-	-	-	-	10 "

Mr. Hannah moved that the House adjourn;

Which motion did not prevail.

Neither of the candidates having received a majority of all the votes cast, the House then proceeded to ballot a fourth time, which resulted as follows:

Mr. Leslie	received	-	-	-	-	-	-	-	23 votes.
" Arion	"	-	-	-	-	-	-	-	10 "
" Roberts	"	-	-	-	-	-	-	-	21 "
" Eldridge	"	-	-	-	-	-	-	-	9 "
" Markle	"	-	-	-	-	-	-	-	27 "
Scattering	"	-	-	-	-	-	-	-	6 "

No one having received a majority of all the votes given, the House proceeded to a fifth ballot, which resulted as follows:

Mr. Leslie	received	-	-	-	-	-	-	-	16 votes.
" Arion	"	-	-	-	-	-	-	-	8 "
" Eldridge	"	-	-	-	-	-	-	-	9 "
" Markle	"	-	-	-	-	-	-	-	54 "
Scattering	"	-	-	-	-	-	-	-	8 "

Mr. Markle having received a majority of all the votes given, was declared by the Speaker, to be duly elected Sergeant-at-Arms of the House of Representatives during its present session.

On motion,

The House adjourned.

THURSDAY MORNING, DECEMBER 5, 1844.

The House met pursuant to adjournment.

Mr. Markle appeared, was sworn into office by the Hon. James W. Borden, President Judge of the twelfth judicial circuit, and entered upon his duties as Sergeant-at-arms of the House.

The Speaker announced the following as the order of business until otherwise directed by the House.

ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, memorials, and remonstrances.
- III. Reports from standing committees.
 - 1st. On Elections.
 - 2d. On Ways and Means.
 - 3d. On the Judiciary.
 - 4th. On Education.
 - 5th. On Military Affairs.
 - 6th. On the affairs of the State Prison.
 - 7th. On the affairs of the town of Indianapolis.
 - 8th. On Claims.
 - 9th. On Roads.
 - 10th. On Canals and Internal Improvements.
 - 11th. On Agriculture.
 - 12th. On Corporations.
 - 13th. On the State Bank.
 - 14th. On Federal Relations.
 - 15th. On Public Expenditures,
- IV. Reports from Joint Standing Committees.
 - 1st. On Public Buildings.
 - 2d. On the Canal Fund.
 - 3d. On the State Library.
- V. Reports from Select Committees.
- VI. Resolutions of the House.
- VII. Joint Resolutions.
- VIII. Bills.
- IX. Orders of the Day.

The Speaker also announced the appointment of the following

STANDING COMMITTEES.

I. ON ELECTIONS.

Messrs. Robinson of Decatur, Wright of Switzerland, Miller, Shively, Tomlinson, Nutter, and McGauhey.

2. ON WAYS AND MEANS.

Messrs. Herod, Whight, Wright of Switzerland, Colms, Leslie, Vandever, and Smith.

3. ON THE JUDICIARY.

Messrs. Tingley, Robinson of Carroll, Sullivan, Osborn, Pettit, Anthony, and Pomeroy.

4. ON EDUCATION.

Messrs. Barclay, Hazelrigg, Anthony, McClure of Scott, Walker, Garrett, and Hambrick.

5. ON STATE BANK.

Messrs. Stapp, Palmer, Stophlet, Shively, Manville, Odell, and McCluer of Knox.

6. ON MILITARY AFFAIRS.

Messrs. Huckleby, Huestis, McAllister, Kelley, Hinchman, Brecount, and Helwig.

7. ON STATE PRISON.

Messrs. Simonson, Lanius, Wolf, Fry, Nimmon, Endicott, and Handy.

8. ON THE TOWN OF INDIANAPOLIS.

Messrs. Jamison, Hostetter, Hoggatt, Hill, Foresman, Wills, and Conner.

9. ON CLAIMS.

Messrs. Leslie, Smith, Stophlet, Tague, Rose, Montgomery, and Peek.

10. ON ROADS.

Messrs. Bell, Brown, Bruce, Cowen, Conduit, Davis, and Handy.

11. ON CANALS, &c.

Messrs. Bradley, Jones of Fountain, Hodges, Blakemore, Darrow, Duzan, and Wright of Wayne.

12. ON AGRICULTURE.

Messrs. Huckleby, Legg, Lewis of Dearborn, McCluer of Knox, Fuller, Miller, and Hardin.

13. ON CORPORATIONS.

Messrs. Claypool, Parker, Pomeroy, McGauhey, Pettit, Mooney, and Turman.

14. ON ENROLLED BILLS.

Messrs. Grubbs, Fuller, Pomeroy, and Little.

15. ON ENGROSSED BILLS.

Messrs. Matlock, Osborn, Mooney, and Hauser.

16. ON FEDERAL RELATIONS.

Messrs. Rich, Boardman, Hostetter, Parker, Hambrick, Hannah, and Smith.

17. ON PUBLIC EXPENDITURES.

Messrs. Gregory, Jones of Vigo, Kerr, Jones of Fountain, Huey, Howard, and Hazelrigg.

—

JOINT COMMITTEES.

18. ON PUBLIC BUILDINGS.

Messrs. Shanks, Ford, and Lewis of Wayne.

19. ON CANAL FUND.

Messrs. Blakemore, Byers, and Shelby.

20. ON THE STATE LIBRARY.

Messrs. Sullivan, Snook, and Rosseau.

On motion by Mr. Vandever,

The order of business and standing committees were ordered to lay on the table; and one hundred copies of each ordered to be printed.

The Speaker laid before the House the annual reports of the Madison, New Albany, Evansville, Vincennes, Bedford, Lafayette, South Bend, and Michigan City Branches of the State Bank of Indiana, which were referred to the committee on the State Bank.

The Speaker also laid before the House a memorial from James Smith, Commissioner of the Seminary townships of Gibson County, on behalf of himself and nine hundred others, praying for relief; which was referred to the judiciary committee.

Mr. Montgomery presented a petition from John Hargrove and J. R. Montgomery, praying for an act authorizing the election of Clerk and Recorder in Gibson county ;

Which was referred to the committee on elections.

Mr. Hardin, of sundry citizens of Johnson county, praying a change of laws in relation to the width of county roads ;

Which was referred to a select committee of Messrs. Hardin, Hodges, and Wright.

Mr. Pettit, of sundry citizens of Wabash county, praying for the passage of an act extending the time of payment upon the sale of canal lands ;

Which was referred to a select committee of Messrs. Pettit, Miller, and Osborn.

Mr. Lanius, of sundry citizens of Dearborn county, praying for the passage of a law attaching the territory south of Laughery creek, in Dearborn county, to Ohio county ;

Which was referred to a select committee of Messrs. Lanius Huestis and Tingley.

On motion by Mr. Hazelrigg,

Resolved, That the public printer furnish this House with three thousand copies of the Governor's message for the use thereof.

Mr. Hazelrigg offered the following resolution :

Resolved, That the public printer furnish this House with _____ copies of the Auditor's report ;

Which was laid on the table.

On motion by Mr. Robinson of Decatur,

Resolved, That the Door Keeper be instructed to procure and furnish to each member of this House, one copy of the laws and journals of the last General Assembly, and one copy of the revised laws of this State, for the use of the members of this House during the present session.

Mr. Miller offered the following resolution :

Resolved, That the Door Keeper be authorized to contract with the publishers of the Indiana State Sentinel and Indiana Journal, for one copy each of their respective papers, to be furnished to each of the members of the House during the present session of the General Assembly, in addition to the number heretofore authorized to be contracted for ; which,

On motion by Mr. Bradley,

Was laid on the table.

Mr. Tingley asked leave to present a petition in relation to the case of Allen T. Rose, a member of this House, which was granted, and the petition was presented ;

Read, and referred to the committee on elections.

Mr. Sullivan offered the following resolution :

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the Revised Statutes of 1843, as to authorize the board of commissioners doing county business, to ap-

point road supervisors at their March term, instead of electing in April as now provided ;

Which was not adopted.

On motion by Mr. Tingley,

Resolved, That when any member presents a petition or memorial to this House, and the same is referred to a standing committee, the person presenting the same during the time the committee may have the same under consideration, shall be deemed a member of such committee.

Mr. Garrett offered the following resolution for adoption :

Resolved, That the Speaker will not respond to any member addressing him, from any other place than from his seat ;

Which was adopted.

On motion by Mr. Whight,

Resolved, That the names of the members demanding the ayes and noes be entered upon the Journal.

On motion by Mr. Tingley,

Resolved, That the Treasurer of State be requested to furnish to this House at as early a day as practicable, a detailed statement of the amount of the three per cent. fund ; and the various trust funds used by the State heretofore to defray the ordinary expenses of the State government.

On motion by Mr. Vandever,

Resolved, That the committee on elections be instructed to enquire diligently and strictly, whether or not there is any defaulter or defaulters in this House as member or members thereof ; and make report to the House as early as possible.

Mr. Gregory offered the following resolution :

Resolved, That the committee on elections be authorized and instructed to send to the county of Clay for evidence either written or oral, in the case now before them of Allen T. Rose, a member elect from said county ; and that he have the same privilege granted him ; and that the Sergeant-at-arms shall discharge said duty, under the direction of the committee on elections.

On motion,

The above resolution was laid on the table.

Mr. Robinson of Dearborn offered the following resolution :

Resolved, That this House will (the Senate concurring therein) go into an election for President Judge of the third Judicial Circuit on Saturday next, at 10 o'clock, A. M.

Which was laid on the table.

On motion by Mr. Robinson of Carroll,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the criminal laws of this State, so as to transfer from the circuit courts to justices of the peace, the trial of all misdemeanors and offences of minor importance, and that the committee report by bill if they deem it expedient.

On motion by Mr. Grubbs,

Resolved, That the committee on roads be instructed to inquire into the expediency of amending that portion of the Revised Statutes, which requires the county Auditor to make out and deliver over to the supervisors of road districts previous to the first of June² annually, a list of names of all persons owning land in their respective districts.

On motion by Mr. Osborn,

Resolved, That the Secretary of State furnish this House with a detailed statement of the cost of paper, printing, binding and distribution of the Revised Statutes of 1843, designating the amount of paper, and the cost per ream, and that he make said report at his earliest convenience.

Mr. Hazelrigg gave notice, that on to-morrow he would move to amend the thirty-first rule of the House, so as to strike out the word "indivisible" where it occurs, and insert divisible, in lieu thereof.

Mr. Robinson of Carroll moved to adjourn till to-morrow morning, at 9 o'clock, A. M.,

Which did not prevail.

On motion by Mr. Simonson,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Robinson of Carroll offered the following resolution:

Resolved, By this House, (the Senate concurring therein,) that the two Houses in convention, will proceed on to-morrow at half past nine o'clock, A. M., to elect President Judges in those Judicial Circuits in which vacancies are about to happen, and that the Senate be respectfully requested to reciprocate this resolution.

Mr. Parker moved to lay on the table,

When the ayes and noes being demanded by Messrs. Robinson of Carroll, and Parker—

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conduit, Conner, Davis, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hannah, Hardin, Hauser, Hazelrigg, Herod, Hinchman, Hoggatt, Howard, Huckleby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McClure of Scott, McGauhey, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Peek, Pomeroy, Rich, Robinson of Decatur, Rosseau, Smith, Stapp, Stophlett, Sullivan, Simonson, Tingley, Tomlinson, Vandever, Wills, Wolf, Wright of Wayne, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Brecount, Byers, Cowen, Duzan, Endicott, Fuller, Garrett, Handy, Helwig, Heustis, Hill, Hodges, Hostetter, Kelly, Lanius, Lewis of Dearborn, McAllister, Manville, Montgomery, Palmer, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Snook, Tague, Turman, Walker, Whight, and Wright of Switzerland—35.

So the resolution was laid on the table.

Mr. Simonson, by leave, presented certain documents in relation to the contested election in Clay county.

Which were referred to the committee on elections.

On motion by Mr. Claypool,

Resolved, That the Secretary of State report to this House, in addition to the requirements of the resolution this morning adopted, touching the Revised Statutes, how the contract for stationery was made, and his agency in the same, and such other explanation as he may think proper to make.

On motion by Mr. Conduit,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law establishing the office of County Treasurer, as to make the books, accounts and vouchers of the County Treasury at all times subject to the inspection of the taxpayers of the county.

Mr. Whight offered the following resolution:

Resolved, That the committee on elections be instructed to report a bill to this House so amending the law relative to elections, that every elector be required to vote in the township where he has his residence.

Which was laid on the table.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform this House that the Senate has this day reciprocated the resolution, adopted by the House on yesterday, relative to the appointment of a committee on the part of the House, to act with a similar committee on the part of the Senate, for the purpose of waiting on the Rev. Phineas D. Gurley, and requesting him to open the present session of the General Assembly with solemn prayer.

Mr. Todd and Mr. Hutton have been appointed a committee on the part of the Senate.

On motion by Mr. Vandever,

Resolved, That the committee of ways and means be requested to enquire into the expediency of so amending the Revenue Laws, so as to cause a re-valuation of the taxable lands by the County Assessors, and report by bill or otherwise.

Mr. Blakemore made the following report:

MR. SPEAKER:

The committee appointed on the part of the House to act in conjunction with a similar committee on the part of the Senate, to call on the Rev. Mr. Gurley and request him to open the present General Assembly by prayer, now report, that they have performed that duty and have received for reply from him, that he will meet the General Assembly on this day, at 2½ o'clock, and perform the services requested.

On motion by Mr. Leslie,

Resolved, That the Senate be invited to attend *instantly* in the Hall of the House of Representatives to hear the prayer of the Rev. Phineas D. Gurley, and that seats be provided on the right of the Speaker's chair.

The Senate then came into the Hall, and took their seats on the right of the Speaker's chair—the President of the Senate on the right of the Speaker, when the Rev. Mr. Gurley, in a very able and impressive manner, addressed a solemn prayer to the throne of Grace.

On motion by Mr. Handy,

The resolution in relation to elections was taken from the table, when Mr. Gregory moved to amend as follows:

"That voters shall be required to reside in the township at least ten days previous to the day of election to render them qualified voters."

Mr. Smith moved to lay the resolution and amendment on the table,

And the ayes and noes being called by Messrs. Rich and Whight,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Brown, Byers, Conduit, Ford, Fuller, Hambrick, Hazelrigg, Hoggatt, Huckaby, Huey, Kelley, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Mooney, Nimmon, Rich, Rosseau, Shanks, Smith, Walker, Wills, and Mr. Speaker—27.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Bradley, Brecount, Bruce, Claypool, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Foresman, Fry, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hodges, Howard, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lanius, Little, McAllister, McCluer of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Shelby, Shiveley, Simonson, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Tur-

man, Vandever, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—67.

So the motion to lay on the table did not prevail.

Mr. Herod called the previous question, which was seconded.

And the question then being, "Shall the main question be now put?"

It was decided in the affirmative.

And the main question then being put, Shall the resolution be adopted?

The ayes and noes were demanded by Messrs. Leslie and Whight.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Brecount, Bruce, Claypool, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Foresman, Fry, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hinchman, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lanius, Lewis of Wayne, Little, McAllister, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shelby, Shively, Simonson, Snook, Stapp, Stophlet, Tague, Tingley, Tomlinson, Turman, Vandever, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—68.

Those who voted in the negative are,

Messrs. Bell, Brown, Byers, Conduit, Ford, Foresman, Fuller, Hambrick, Hazelrigg, Hodge, Hoggatt, Huckaby, Kelley, Legg, Leslie, Lewis of Dearborn, McCluer of Knox, Mooney, Nimmon, Rich, Robinson of Decatur, Rosseau, Shanks, Smith, Sullivan, Walker, Wills, and Mr. Speaker—27.

So the resolution was adopted.

On motion by Mr. Pomeroy,

Resolved, That the committee on the judiciary be instructed to report a bill to this House, for the repeal of the 73d section of the 4th article of the Revised Statutes of the State of Indiana, or to so amend said section as to correspond with a wise provision of the municipal law of said State, relative to contested elections.

On motion by Mr. Hazelrigg,

Resolved, That the committee on education be instructed to enquire into the propriety of so amending the 98th section of the 15th article of the Revised Statutes, as to allow school districts to retain their money for a longer period than one year, notwithstanding there shall be no school kept within the district for one year, and report by bill or otherwise.

On motion by Mr. Tague,

Resolved, That the committee on elections be instructed to so change the law as to authorize the citizens of each road district to elect their respective supervisors.

On motion,

The House adjourned.

FRIDAY MORNING, DECEMBER 6, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House the reports of the Terre Haute and Lawrenceburgh branches of the State Bank of Indiana; which were referred to the committee on the State Bank.

The Speaker laid before the House the following report of the State Librarian:

REPORT.

To the General Assembly

of the State of Indiana:

The undersigned, State Librarian, pursuant to the 84th section of 7th article, 6th chapter, of the Revised Statutes of the year 1843, begs leave to report the following list of books that have been added to the State Library during the year 1844.

LIST OF BOOKS PURCHASED—NO. 1.

	<i>Vols.</i>	<i>Size.</i>	<i>Price.</i>
Sparks's Life of Franklin, - - -	1	Svo.	
Webster's Speeches, - - -	3	Svo.	
Dillon's History of Indiana, - - -	10		
Oldfield's Representative History, - - -	6	Svo.	\$ 6 00
Proverbial Philosophy, - - -	1	12mo.	1 25
Newgate Calender, - - -	5	Svo.	6 25
Henry of Oftendingen, - - -	1	12mo.	50
Knowledge Under Difficulties, - - -	2	12mo.	1 25
Life of Follen, - - -	1	12mo.	75
Chateaubriand's Martyrs, - - -	3	18mo.	2 00
Utopia, - - -	1	18mo.	88
Vethake's Political Economy, - - -	1	12mo.	1 50
Exile of Madame de Stael, - - -	1	18mo.	1 13
German Prose Writers, - - -	1	12mo.	1 00
Sears's History of the Bible, - - -	1	Svo.	2 00

Xenophon, - - - - -	1	8vo.	1 75
Wraxall's Baltic Tour, - - - - -	1	8vo.	1 87½
Common School Journal of 1839, - - - - -	1	8vo.	1 25
Glossary of Architecture, - - - - -	1	18mo.	4 50
Provincial Settlers, - - - - -	1	8vo.	1 12
Memoirs of Mendelshon, - - - - -	1	8vo.	1 88
Reliques of Ancient Poetry—Percy, - - - - -	2	18mo.	1 50
Fostroke's Antiquities, - - - - -	3	4to.	18 00
Drake's Shakspeare, - - - - -	2	4to.	16 50
Churchill's Voyages, - - - - -	6	folio	30 00
Bayle's Dictionary, - - - - -	5	folio	40 00

LIST No. 2.

REPORTS AND LAWS OF CONGRESS AND STATES.

	<i>Vols.</i>	<i>Size.</i>
Vermont Reports, 4th vol. bound, - - - - -	1	8vo.
Vermont Laws for 1843, three copies, unbound, - - - - -	1	8vo.
South Carolina Reports, (McMullen's) 2 copies, unbound, - - - - -	1	8vo.
S. Carolina, Reports, (Spear's) 2d vol. 2 copies undound, - - - - -	1	8vo.
New Hampshire Reports, 10th vol., unbound, - - - - -	1	8vo.
Comptroller's Annual Reports, New York, unbound, - - - - -	1	8vo.
U. S. Documents, No. 2, (from W. J. Brown,) unbound, - - - - -		8vo.
State Journal, Connecticut—3 copies, unbound, - - - - -		8vo.
Resolutions of Connecticut—3 copies, unbound, - - - - -		8vo.
Acts of Connecticut—3 copies, unbound, - - - - -		8vo.
Mississippi Chancery Reports—2 copies, bound, - - - - -		8vo.
Acts of South Carolina, 1843—2 copies, unbound, - - - - -		8vo.
Clay's Alabama Digest, 1 copy, bound, - - - - -	1	8vo.
Alabama Reports, 4 vols. (new series,) bound, - - - - -	1	8vo.
Alabama Acts, 1844, bound, - - - - -	1	
Acts of Massachusetts, 1844, 3 copies, unbound, - - - - -		
Georgia Reports, 1841, unbound, - - - - -		8vo.
Acts of Kentucky, (3 copies) 1842, unbound, - - - - -		8vo.
Legislative Documents, 2 copies, half-bound, - - - - -		
Acts of Georgia, 1843, - - - - -		8vo.
Acts of Maine, 3 copies, 1844, unbound, - - - - -		
Laws of Pennsylvania, 2 copies, unbound, - - - - -		8vo.
Laws of Maryland, 1 copy, 1844, unbound, - - - - -		8vo.
House Journal, 1 copy, unbound, - - - - -		8vo.
Senate Journal, 1 copy, unbound, - - - - -		8vo.
Executive Documents, No. 4, unbound, - - - - -		8vo.
Laws of New Hampshire, 1844, unbound, - - - - -		
Acts of Congress, 320 copies, unbound, - - - - -		
Laws of New York, 1844, 3 copies, half-bound, - - - - -		
Acts of New Jersey, 1844, 3 copies, unbound, - - - - -		
Legislative Journal, New Jersey, 1844, unbound, - - - - -		8vo.
Laws of Rhode Island, 1844, 1 copy, bound, - - - - -		8vo.

	<i>Vols.</i>	<i>Size.</i>
Laws of Ohio, 1844, 1 copy, half-bound, - - -	-	8vo.
Legislative Documents, half-bound, - - -	-	8vo.
Staunton Reports, (12th vol.) bound, - - -	1	
Monroe Reports, (4th vol.) bound, - - -	1	
Public Acts of Connecticut, 1844, unbound, - - -	1	
Private Acts of Connecticut, 1844, unbound, - - -	1	
Senate Journal of Connecticut, unbound, - - -	-	
House Journal of Connecticut, 1844, unbound, - - -	-	
Laws of Michigan, 1844, 2 copies, half-bound, - - -	-	
Spear's Equity Reports, bound, - - -	-	
Acts of Tennessee, 1844, half-bound, - - -	-	
American Archives, 4th Series, bound, - - -	6	
1st Session 28th Congress, Journals of House, bound, - - -	3	

SAMUEL P. DANIELS,

State Librarian.

Which was referred to the committee on claims.

Mr. Robinson of Carroll presented a communication from S. Fisher, former Commissioner of the Wabash and Erie Canal.

On motion by Mr. Tingley,

It was referred to a select committee of Messrs. Robinson of Carroll, Blakemore, and Hostetter.

Mr. Montgomery presented a petition from John Brownlee and others of Gibson county, praying the passage of an act authorizing the State to defend the purchasers of the Seminary township in said county, in a suit brought by the Vincennes trustees;

Which was referred to the committee on the judiciary.

Mr. Whight, of sundry citizens of Pike county, praying a repeal of a road law compelling road hands to work Patoka as a public high way;

Which was referred to a select committee of Messrs. Whight, Handy, and Bell.

Mr. Hoggatt, of Christian Leatherman and others, praying the passage of an act authorizing Abraham J. Hostetter to sell certain real estate at private sale;

Which was referred to the committee on the judiciary.

Mr. Tomlinson, from sundry citizens of Delaware county, praying for an act for the relief of George Ressel;

Which was referred to a select committee of Messrs. Tomlinson, Grubbs, and Sullivan.

Mr. Huckaby, from William E. Reily, praying for a divorce;

Which was referred to the committee on the judiciary.

Mr. Robinson of Carroll, from Jane Davin, praying for a divorce;

Which was referred to the committee on the judiciary.

Mr. Sullivan, of the County Commissioners of Jefferson county, praying for certain alterations in the law regulating the duties of

Commissioners of Jefferson county, and also extending the time said board may sit at their terms;

Which was referred to a select committee of Messrs. Sullivan, Pomeroy, and Wills.

A message from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have this day adopted a preamble and resolutions in the following words:

WHEREAS, Since the adjournment of the last session of the Legislature, it has pleased divine Providence to terminate the earthly existence of two members of this body, the Hon. Abner Davis and the Hon. William B. Mitchell, therefore,

Resolved, unanimously, That the members and officers of the Senate have learned, with deep regret, the melancholy intelligence of the death of the Hon. Abner Davis and the Hon. William B. Mitchell.

Resolved, unanimously, That the members and officers of the Senate entertain a profound respect for the memory of their departed associates, and cherish a lively recollection of their character and virtues.

Resolved, unanimously, That, in token of respect for the memory of the deceased, the members and officers of the Senate will wear the usual badge of mourning, during the remainder of the present session of the General Assembly.

Resolved, unanimously, That the President of the Senate be requested to transmit copies of these resolutions to the families of the deceased, with the assurances of the sincere condolence of the members and officers of the Senate on account of the recent afflictive dispensations of Providence.

Resolved, unanimously, That the Secretary do carry these resolutions to the House of Representatives, and that the Senate, in further testimony of their respect to the memory of the deceased, do now adjourn.

On motion by Mr. Tingley,

Resolved, unanimously, That the House of Representatives do cordially reciprocate the resolutions adopted by the Senate, expressive of their respect for the memory of, and regret at, the death of the Hon. Abner Davis and the Hon. William B. Mitchell.

Resolved, unanimously, That the members and officers of the House of Representatives will, in token of their respect for the memory of the Hon. Abner Davis and the Hon. William B. Mitchell, wear the usual badge of mourning during the remainder of the present session of the General Assembly.

Resolved, unanimously, That the Speaker be requested to transmit copies of these resolutions to the families of the deceased.

Resolved, unanimously, That, as a further testimonial of respect

to the memory of the Hon. Abner Davis and Hon. William B. Mitchell, the House do now adjourn.

Resolved, unanimously, That the Clerk of this House inform the Senate of the adoption of the foregoing resolutions.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Leslie moved that the House resolve itself into committee of the whole on the Governor's Message.

Which did not prevail.

Mr. Osborn presented the petition of G. A. Rose of Laporte county, praying an act authorizing the County Commissioners of said county, to hear his petition for compensation for damages received by the locating a road.

Which was referred to the committee on roads.

Mr. Miller presented the petition of sundry citizens of Elkhart and St. Joseph counties, praying for a State road on the Elkhart and St. Joseph county line.

Which was referred to a select committee of Messrs. Miller, Colms, and Cowen.

Mr. McGauhey presented the petition of Henry Hill and others on the subject of certificates issued by the New Albany and Vincennes road.

Which was referred to a select committee of Messrs. Vandever, Leslie, Peek, McCluer of Knox, McGauhey, Wolf, Shanks and Kelly.

On motion by Mr. Herod,

Resolved, That the committee on the judiciary, be instructed whether any and what reduction should be made in the salaries and fees of the various State, county, and township officers of the State, including the Executive, Legislative, and Judiciary departments thereof; and more especially as to the fees of Clerks of the Circuit Courts, Sheriffs, Coroners, County Treasurers, Auditors, School Commissioners, and Agents of the County Seminary Fund; and also, whether the fees of witnesses and jurors should not be raised; and that said committee report thereon by bill or otherwise.

Which was adopted.

On motion by Mr. Wright of Wayne,

Resolved, That the committee on roads be instructed to enquire into the propriety of amending the Revised Statutes, so as to provide for the election of Supervisors by the qualified voters of each road district, on the first Saturday of April, and in case of their failure to elect, to provide for their appointment by the board of County Commissioners.

Which was not adopted.

On motion by Mr. Robinson of Decatur,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law exempting property from execution, so as to confine its provisions to persons having a family.

On motion by Mr. Blakemore,

Resolved, That the Auditor of Public Accounts be required to report to this House, at as early a day as practicable, the amount of salaries, and pay of all of the officers on the Wabash and Erie canal for the years 1843 and 1844, each year separately.

On motion by Mr. Pettit,

The following preamble and resolution were adopted:

WHEREAS, The records of the Circuit and Probate Courts, and of the Recorder's office of the county of Miami, and the file of papers of each of said courts having been wholly destroyed by the burning of the court house of said county, March 16, 1843,

Resolved, That a select committee of three be appointed to enquire into the provisions necessary for reinstating them, and that said committee report by bill or otherwise.

On motion by Mr. Osborn,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 3d section of the act of 28th January, 1843, in relation to abolishing fiscal records, &c., that the plea allowed in said section shall extend to the time of filing the transcript, instead of the time of issuing, and service of the scire facias, and that such plea shall extend to the costs only.

On motion by Mr. Colms,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending and altering the law regulating the fees of grand and petit jurors in the several counties in this State, so as to allow them to receive the sum of one dollar for each day's service as such jurors.

Mr. Smith moved to amend, by striking out one dollar and inserting one dollar and twenty-five cents.

Mr. Vandever moved to amend the amendment, by striking out one dollar and twenty-five cents and inserting seventy-five cents.

On motion by Mr. Claypool,

The resolution with the amendments were laid on the table.

Mr. Robinson of Carroll offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing by law, for the reformation of the Probate courts by forming Probate circuit courts, with learned and able judges, who shall be competent to transact the business of those courts, or otherwise correctly and impartially, or otherwise to transfer the business of said court to the Circuit court, and that said committee report by bill if they deem such a report necessary.

Mr. Rich moved to amend as follows:

“Not implying that the judges of the Probate court of the county of Jennings is incompetent.”

Which was laid on the table.

On motion by Mr. Gregory,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school laws, as to require the district treasurer to have and file in his office a copy of the day book of the teacher signed and sworn to by him, before paying out any moneys to said teacher, and to be recorded by him in a book kept for that purpose; and that the treasurer be authorized to administer said oath.

On motion by Mr. Hazelrigg,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of abolishing the docket fee in criminal cases.

On motion by Mr. Sullivan,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting to this House a bill, declaring the court of a justice of the peace, not to be a court of record.

Mr. Hazelrigg offered the following resolution:

Resolved, That the 31st rule of this House be amended so as to strike out “indivisible,” when it occurs, and insert “divisible.”

And the ayes and noes being demanded by Messrs. Whight and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conner, Fry, Gregory, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kerr, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nutter, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Brecount, Byers, Conduit, Cowen, Davis, Duzan, Endicott, Ford, Foresman, Fuller, Garrett, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Legg, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shelby, Shiveley, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, Wright of Switzerland, Wright of Wayne—54.

So the resolution was not adopted.

Mr. Blakemore introduced,

No. 1. A bill to vacate a certain alley in the town of West Logan and for other purposes ;

Which was read a second time, the rules being suspended, and referred to a select committee, consisting of Messrs. Blakemore, Herod, and Miller.

Mr. Rose introduced,

No. 2. A bill providing for the loading of the school funds of Clay county ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Whight introduced,

No. 3. An act to provide for the election of a Senator in the Congress of the United States ;

Which was read a first time, when

Mr. Tingley moved to suspend the rules for a second reading now.

And the ayes and noes being demanded by Messrs. ———

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shiveley, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—45.

So the rules were not suspended.

Mr. Shively introduced,

No. 4. A bill relative to the appointment of the board of commissioners of Grant county, to act as a board of Library Trustees of said county, and for other purposes ;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading on to-morrow.

Mr. Blakemore introduced,

No. 5. A bill providing for holding a special term of the Cass circuit court ;

Which was read a first and second times, the bill considered as engrossed, the rules were suspended, and the bill read a third time and passed.

Ordered, That the Senate be informed thereof.

Mr. Brown introduced,

No. 6. A bill to amend an act entitled an act to reduce the salaries of Governor of State, and for other purposes ;

Which was read a first and second times, the rules being suspended therefor, and referred to a committee of the whole House on to-morrow.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, DECEMBER 7, 1844.

The House met pursuant to adjournment.

The House resolved itself into committee of the whole on the message of his excellency, the Governor, and after some time spent therein, the Speaker resumed the chair, and

Mr. Leslie reported that the committee, had, according to order, had the same under consideration, and come to sundry resolutions, viz:

1. *Resolved*, That so much of the Governor's message as relates to the domestic and foreign indebtedness of the State, be referred to the committee on ways and means.

2. *Resolved*, That so much of the Governor's message as relates to the difference between the payment of a foreign and domestic debt, and as relates to the debt of Great Britain and domestic manufactures of the United States, and the protective policy, be referred to the committee on federal relations.

3. *Resolved*, That so much of the Governor's message as represents that the present American tariff "will largely exceed the legitimate wants of the Treasury," and "tends to lavish prodigality on the part of the Government," be referred to the committee on federal relations.

4. *Resolved*, That so much of the Governor's message as relates to the subject of selling the public works of this State to private persons or public associations, be referred to the committee on canals and internal improvements.

5. *Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

6. *Resolved*, That so much of the Governor's message as relates to the Quarter-master General's department and military affairs, be referred to the committee on military affairs.

7. *Resolved*, That so much of the Governor's message as relates to the transfer of jurisdiction and punishment of minor offences in this State, from the circuit court to the justices court, be referred to the committee on the judiciary.

8. *Resolved*, That so much of the Governor's message as relates to the subject of education, deaf and dumb asylum, "Indiana Asylum," providing an institution for the education of the blind, and the construction of a lunatic asylum, be referred to the committee on education.

Which resolutions were read and severally concurred in by the House.

The Speaker laid before the House the annual report of the Fort Wayne and Richmond Branch Banks of the State Bank of Indiana which were referred to the committee on the State Bank.

The Speaker also laid before the House, the report of the superintendent of the State Prison ;

Which was referred to the committee on the State Prison.

Mr. Shanks presented the petition of sundry citizens of Jackson township, in Washington county, praying for a repeal of an act authorizing an additional place of holding elections in said township ;

Also, a remonstrance on the same subject.

Which were referred to a select committee of Messrs. Shanks, Miller, and Hambrick.

Mr. Stapp presented the petition of James Vawter and others, praying for the passage of an act authorizing the sale of the sixteenth section of school land, in congressional township No. 4, in Jefferson county ;

Which was referred to the committee on education.

Mr. Stapp presented the petition of James Vawter, praying for relief ; referred to the committee on canals.

Also, Mr. Stapp presented the petition of sundry citizens of Jefferson county, praying for a change in the law regulating the jurisdiction of justices of the peace.

Which was referred to a select committee of Messrs. Stapp, Sullivan, and Jones of Fountain.

Mr. Whight presented a petition of sundry citizens of Pike county, praying the restoration of the original boundary line between Pike and Gibson counties.

Which was referred to a select committee of Messrs. Whight, Montgomery, and Fuller.

Mr. Lanius presented a petition from sundry citizens of Ohio county, praying for the addition of certain territory therein named, to said county.

Which was referred to a select committee of Messrs, Lanius, Huestis, Tingley, Lewis of Dearborn, Hannah, and Boardman.

Mr. Robinson of Decatur made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred the petition of Oliver Cromwell and Robert M. Wingate, charging Allen T. Rose, a member of this House, with being a defaulter, have examined said petitions, accompanying papers, and proofs; and although your committee express no opinion at this time as to the truth or falsity of the charges contained in said petition, yet your committee are of opinion that justice to the State as well as to the accused, requires a fair and faithful investigation into the charges made in said petition, and have directed me to report the following resolution, and ask its adoption.

Resolved, That for the purpose of fully investigating the charges of defalcation made in the petition of Oliver Cromwell and Robert M. Wingate, against Allen T. Rose, a member of this House, the committee be, and are hereby authorized to send for persons and papers; that during the investigation of said charges by said committee, said Rose have leave to appear before said committee by himself and counsel, for the purpose of making defence against said charges, and that he be authorized to send for persons and papers.

Which was concurred in by the House.

Mr. Blakemore made the following report :

MR. SPEAKER :

The select committee to which was referred bill No. 1, providing for the vacation of a certain alley in the town of West Logan, and for other purposes, have had the same under consideration, and have directed me to report it back to this House and recommend its passage.

Bill No. 1. in the above report, was considered as engrossed, the rules suspended, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Whight made the following report :

MR. SPEAKER :

The select committee to whom was referred a petition of Arthur Thompson and others, praying the repeal, in the county of Pike, of a law compelling all persons who reside within two miles of the river Patoka, who work roads, to work said river as a public highway, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage.

Bill No. 7. on the above report, was passed to a second reading on to-morrow.

On motion by Mr. Colms,

Resolved, That the Treasurer of State be and is hereby required to report to this House, at the earliest day practicable, by what authority he paid to the branch bank of Indiana, at Michigan City, in contracting a loan with said branch, authorized by a law of the last session of the Legislature, a premium of two per cent. on the sum of forty thousand dollars obtained from said branch bank in a draft on the city bank of New York.

On motion by Mr. Claypool,

Resolved, That the committee on education be instructed to enquire what amendment is necessary to the law fixing the fees of county treasurers, for their services in the management of the several trust funds, and particularly the county seminary fund, and report to this House.

On motion by Mr. Vandever,

Resolved, That the Auditor of State be requested to report to this House, the amount of State bonds sold on account of the general system of the Internal Improvements exclusive of the Wabash and Erie canal, to whom sold, by whom sold, the amount received, and balance due to the State of Indiana on each contract separately, and the precise time and date, so as to ascertain when and where such contracts were made, and what funds have been received by the State on account of such contracts.

Mr. Davis offered the following resolution for adoption:

Resolved, That five hundred copies of the Annual Message of the Governor, be printed in the German language, for the use of the House.

Mr. Stapp moved to amend the above resolution, by inserting "and five hundred in the French."

Mr. Hambrick moved to lay the resolution and amendment on the table.

When the ayes and noes being called by two members,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Brown, Bruce, Claypool, Conduit, Conner, Foresman, Fry, Grubbs, Hambrick, Herod, Hostetter, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Little, McCluer of Knox, McGauhey, Miller, Nutter, Odell, Parker, Robinson of Decatur, Rousseau, Shelby, Sullivan, Tomlinson, Wills, and Mr. Speaker—33.

Those who voted in the negative are,

Messrs. Anthony, Bell, Boardman, Brecount, Byers, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Gregory, Hannah, Handy, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill,

Hinchman, Hodges, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, Kelly, Lanius, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Tague, Tingley, Turman, Vandever, Walker, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—63.

So the resolution was not laid on the table.

Mr. Cowen called the previous question;

Which was seconded.

And the question being, "Shall the main question be now put?"

Was decided in the affirmative.

The question then recurring, "Shall the resolution be adopted?"

Messrs. Robinson of Carroll and Rich demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Boardman, Byers, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, Kelly, Lanius, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Stapp, Stophlet, Tague, Turman, Vandever, Walker, Wills, Whight, Wright of Switzerland, and Wright of Wayne—59.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Brown, Bruce, Claypool, Conduit, Conner, Fry, Grubbs, Hambrick, Herod, Hinchman, Hostetter, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, McCluer of Knox, McGauhey, Miller, Nutter, Osborn, Parker, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Sullivan, Tingley, Tomlinson, and Wolf—36.

So the resolution was adopted.

The House adjourned.

2 o'clock, P. M.

The House assembled.

Mr. Little moved to reconsider the vote on the adoption of the resolution authorizing the printing five hundred copies of the Governor's Message in the German language.

Mr. Robinson of Carroll called the previous question;

Which was seconded.

And the question, shall the main question be now put?

Was carried in the affirmative.

The question then recurring on the reconsideration of the vote, Messrs. Parker and Robinson called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Bruce, Claypool, Conner, Foresman, Fry, Grubbs, Herod, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Nutter, Parker, Pomerooy, Rich, Robinson of Decatur, Rosseau, Shelby, Sullivan, Tingley, Tomlinson, Wolf, and Mr. Speaker—30.

Those who voted in the negative are,

Messrs. Anthony, Bell, Boardman, Brecount, Brown, Byers, Colms, Conduit, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Tague, Turman, Vandever, Walker, Wills, Whight, Wright of Switzerland, and Wright of Wayne—61.

So the House refused to reconsider said vote.

The rules having been suspended,

The Speaker laid before the House the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE, }
Indianapolis, December 6, 1844. }

The undersigned, in obedience to a resolution of the House of Representatives of the 5th inst., requiring him to furnish a detailed statement of the cost of paper, printing, binding, and distribution of the Revised Statutes of 1843, designating the amount of paper, and the cost per ream; and also a resolution of the same date, requiring him in addition thereto, to report "how the contract for stationery was made, and his agency in the same, and such other explanations as he may think proper to make," respectfully reports, that not having in his office any documents which would enable him to furnish the desired information, he applied to the Auditor of Public Accounts for permission to examine the files of his office, from which he is enabled to furnish the following statement:

That there were purchased and used in printing said Statutes, between April, 1842, and November, 1843, one thousand three hundred and ninety reams of large royal book paper, at six dollars per ream,

amounting to eight thousand three hundred and forty dollars; that printing the same was four thousand forty-six dollars and forty-three cents; that the binding, including the pressing the sheets, was five thousand one hundred and twenty-nine dollars and forty-nine cents; and that the distribution amounted to seven hundred and fifty-five dollars and eighty-two cents; making the entire cost of the work, exclusive of the compensation to the Revisors and their Clerks, eighteen thousand two hundred and seventy-one dollars and seventy-four cents. The foregoing, it is believed, furnishes a full answer to the first resolution.

In answer to the second resolution, "requiring the undersigned to report the manner in which the contract for stationery was made, &c.," he would respectfully state, that early in the Spring of 1842, a contract for the paper used in printing the Revised Statutes, was made by the late Auditor and Treasurer of State, with the Indianapolis Paper Mill Company, of which the undersigned is a member; that payment therefor was made from time to time as the paper was delivered, partly in Treasury notes of the various issues, mostly the quarter per cent.; partly in par funds, and partly in Water rents which were payable in Treasury notes; these were at the time of their receipt, as is well known, greatly under par. It was not supposed when the contract for this paper was entered into, that the quantity would exceed one half the amount actually used, the volume being larger than was anticipated, and the number of copies ordered by the Legislature greatly exceeding the quantity usually printed. It was thought by the officers giving the contract, that in as much as the proprietors of the Paper Mill at this place were paying an annual Water rent to the State, of nine hundred dollars, it would be but an act of justice to give them the contract, excluding them, however, from any participation in the contract for the paper used in the ordinary printing of 1842, which was afterwards extended to the year 1843, in consequence of the quantity of paper for the Revised Statutes being larger than was expected. Taking into consideration the value of the funds in which the paper was paid for, the price realized for it was but a fair one, and not higher than that received from individuals, for the same quality of paper; as for instance, the paper used in the 5th volume of Blackford's Reports, for which the Author paid the Company about the same time, \$5 25 per ream, in par funds.

There has been within the last year or two, however, a very great depreciation in the price of paper, as also in the raw material.

The undersigned did not act on the board in making this contract, nor has he acted in making any contract for stationery since he has been in office. In 1841, soon after his election, from motives of personal delicacy (being interested in the Paper Mill at this place) he declined, by a letter addressed to the Auditor and Treasurer, any agency in awarding contracts for stationery, upon which principle he has ever since acted.

The undersigned is gratified that the terms of the resolutions have afforded him the opportunity of making the foregoing statement, it having been asserted, perhaps inadvertently, that the Secretary of State is invested with the sole power of making all contracts for stationery.

The undersigned having been informed that some of the counties have not been supplied with a sufficient number of the Revised Statutes, under the law authorizing their distribution, would respectfully suggest the propriety of making some general provision of law on the subject, as also a provision, that to booksellers and others in trade, they be sold at two dollars per copy, that being about the actual cost. There are undisposed of, about three thousand copies.

Respectfully submitted,
WM. SHEETS.

Which was read and referred to the committee on claims.

Mr. Miller offered the following resolution :

Resolved, That the committee on elections be and are hereby authorized, if they deem the same necessary, to employ a clerk to aid them in investigating the contested seat of the Hon. A. T. Rose, now a member of this body.

Which,

On motion by Mr. Handy,

Was laid on the table.

The rules being suspended,

Mr. Robinson of Carroll moved to take from the table the resolution in relation to probate courts ;

Which prevailed.

Mr. Rich moved the following amendment :

Not implying that the judge of the probate court of Jennings is incompetent.

The resolution was so amended, and adopted.

Mr. Huckaby offered the following resolution,

Resolved, That two thousand additional copies of the Governor's message be printed in the German language for distribution.

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Bruce, Claypool, Colms, Conner, Endicott, Ford, Foresman, Fuller, Gregory, Handy, Hannah, Hardin, Hazelrigg, Helwig, Huestis, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, Kelly, Lanus, Leslie, Lewis of Dearborn, McAllister, McGauhey, Manville, Miller, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Stophlet, Simonson, Vandever, Walker, White, and Wright of Switzerland—44.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bradley, Brecount, Brown,

Byers, Conduit, Cowen, Davis, Duzan, Fry, Garrett, Grubbs, Hauser, Herod, Hill, Hinchman, Hodges, Hostetter, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McCluer of Knox, McClure of Scott, Nutter, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Sullivan, Tague, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—49.

So the resolution was not adopted.

Mr. McGauhey introduced,

No. 8. A joint resolution on the subject of the Wabash and Ohio canal ;

Which was read a first time and passed to a second reading.

Mr. Endicott introduced,

No. 9. A bill to change the name of Palestine to that of Poseyville ;

Which was read a first and second time, the rules being suspended therefor, considered engrossed, read a third time and passed.

Mr. Anthony introduced,

No. 10. A bill to amend an act entitled an act to incorporate the Porter county manufacturing company, approved January 13, 1844.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Shanks introduced,

No. 11. A bill in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the Saline Lands :

Which was read a first and second times, the rules having been suspended, and referred to the Judiciary committee.

Mr. Miller introduced,

No. 12. A bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana ;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Turman introduced,

No. 13. A bill supplemental to an act to change a State road in Sullivan county ;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Walker introduced,

No. 14. A bill to repeal an act to limit the trustees of Evansville to a certain tax ;

Which was read three several times, the rules being suspended therefor, and passed.

Mr. Pomeroy introduced,

No. 15. A bill to authorize county auditors to perform the duties of Notaries Public ;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Huckaby introduced,

No. 16. A bill to amend the general acts now in force relative to the discharge of the duties of school commissioners;

Which was read a first time and passed to a second reading on to-morrow.

Mr. McGauhey introduced,

No. 17. A bill to change the time of holding probate courts in the county of Daviess;

Which was read a first time and passed to a second reading on to-morrow.

The House adjourned until Monday morning at nine o'clock, A. M.

MONDAY MORNING, DECEMBER 9, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House the following report of Messrs. William Ray, W. Dickerson, and M. Gray, commissioners appointed to assess damages caused by the construction of the cross cut canal to the property of John Sankey.

VIGO COUNTY, }
June 8, 1844. }

*To the Speaker of the
House of Representatives :*

The undersigned, commissioners, appointed by the act of the Legislature of Indiana, approved January 15, 1844, being duly sworn according to law, proceeded to assess the damages which John Sankey may have "sustained, if any, by the construction of the cross-cut canal, through the west half of the north east quarter of section seventeen, in township eleven north, of range eight west," and after taking into the estimate all manner of injury which the said John Sankey may have sustained, by means of the public works on said tract, over and above the advantages which will accrue from the completion of said work, have the honor of reporting to your honorable bodies—

That the said John Sankey has been very materially injured by the taking away, for public use, a large quantity of good timber—that a large quantity of rock, collected for public use, has been left lying over some nine acres of his land, by which he has been pre-

vented, for some six years, from cultivating the same, thereby taking from him the products of the lands which he purchased and paid for years ago—that by the testimony of a physician whose practice led him to understand the subject, and who was sworn under oath, it is our opinion that he has suffered severely in this respect. The physician whom we examined is Dr. E. Daniels, one of the most skilful now practising in Vigo county, and in whose statements we have entire confidence.

Your commissioners, therefore, after critically examining the whole subject, and making a liberal allowance to the State for the expected completion of the canal, are of opinion, and do award to the said John Sankey of Vigo county, for the damages sustained aforesaid, the sum of one hundred and seventy-five dollars and no more.

In presence of THOS. DOWLING.

WILLIAM RAY,
W. DICKERSON,
M. GRAY.

Which was referred to the committee on canals and internal improvements.

Mr. Garrett presented the petition of Thomson Hall, Joseph Wallace, and Albert Lange, praying the repeal of “an act to incorporate the Terre Haute Draw Bridge Company,” approved January 15, 1844, and also to grant a charter in substance as a bill therewith transmitted;

Which was referred to the committee on corporations.

Mr. Endicott presented a petition of sundry citizens of Posey and Vanderburgh counties, praying for a change in a certain road therein named;

Which was referred to the committee on roads.

Mr. Lanius presented a petition of Joseph Proctor and others, praying an act confirming the titles to said lands therein named;

Which was referred to a select committee of Messrs. Lewis of Dearborn, Lanius, and Huestis.

Mr. Lewis of Wayne presented a petition of John W. Singer, praying for a divorce;

Which was referred to the committee on the judiciary.

Mr. Blakemore presented a petition of Harrison Barnet and Benjamin Power, praying an act granting the prayer of a petition therein enclosed;

Which was referred to the committee on education.

Mr. Hodges presented a remonstrance of John Gordon and James Pogue, against a proposed change in a certain road in Sullivan county; which,

On motion by Mr. Hodges,

Was laid on the table.

Mr. Montgomery presented a petition of William Depriet, Payton

Wheeler, and A. H. Polk, committee of Enon Church, praying Legislative aid to enable them to perpetuate their title to certain lands ;

Which was referred to a select committee of Messrs. Montgomery, Hodges, and Fuller.

Mr. Gregory presented a petition of Jacob Aughee, praying for relief ;

Which was referred to a select committee of Messrs. Gregory, Little, and Nutter.

Mr. Pettit presented a petition of sundry citizens of Wabash county, praying an act authorizing D. C. Shannon to construct a mill dam across the Missisneway river ;

Which was referred to a select committee of Messrs. Pettit, Jones of Vigo, and Barclay.

Mr. Pettit also presented a petition of Otey James and others, praying an act for the preservation of wild game ;

Which was referred to a select committee of Messrs. Pettit, Osborn, and Hostetter.

Mr. Leslie presented a petition of Sarah Shimp, praying that the provisions of "the 124th section of twenty-eighth chapter of the revised statutes of 1843," be extended to a certain case therein named ;

Which was referred to the judiciary committee.

Mr. Robinson of Decatur made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred the petition of John Hargrove and J. R. Montgomery, praying for the passage of a law authorizing the citizens of Gibson county to hold a special election, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 18. A bill, in the above report mentioned, to authorize the holding a special election in the county of Gibson ;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading on tomorrow.

Mr. Robinson of Carroll made the following report :

MR. SPEAKER :

The select committee, to whom was referred the communication of Stearns Fisher, Esq., former commissioner of the Wabash and Erie Canal, have had the same under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 19. A bill in the above report mentioned, to legalize the official acts of the commissioner of the Wabash and Erie canal ;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Tomlinson made the following report :

MR. SPEAKER :

The committee to whom was referred the petition of Owen Russell and others, praying for relief, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 20. A bill in the above report mentioned, for the relief of Owen Russell of Delaware county ;

Which was read a first time and ordered to a second reading on to-morrow.

On motion by Mr. Hambrick,

Resolved, That the door-keepers in contracting for the extra copies of the Governor's message to be printed in the German language, be required to pay no more per copy than is paid for those printed in the English language.

On motion by Mr. Hodges,

Resolved, That the committee on roads be requested to inquire into the expediency of so amending the road law, as to vacate any part of any State or County road, that may not have been opened for the benefit of travellers within six years from the time of its location, and make it the duty of the boards doing county business in the several counties to order a re-location, by appointing men for the purpose, if in their opinion the public good require it, allowing those persons that have been injured by the re-location of said roads or parts of roads their remedy at law, as in case of laying out new roads, or the said boards if they deem it necessary to establish the road on the route that has been worked by the supervisor in lieu of that part that has not been opened, the injured persons still having their remedy for injury done them.

Mr. Smith offered the following resolution :

Resolved, That the House of Representatives will, (the Senate concurring therein,) adjourn sine die, on Monday the 6th day of January next ; which,

On motion by Mr. Gregory,

Was laid on the table.

On motion by Mr. Vandever,

Resolved, That the President of the State Bank be requested to report to this House, as soon as practicable, what number of the Branches of the State Bank have divided six per cent. on the capital stock, and what Branches have not realized that amount, and if any have failed to divide six per cent. by what means has the interest on the Bank loan been paid.

Mr. Darrow offered the following resolution :

Resolved, That so much of the unfinished business of the last ses-

sion of the Legislature as relates to a bill, introduced and passed to a second reading, attaching a portion of the territory of Grant county to that of Blackford county, be now taken from the table and referred to a select committee.

Which on motion by Mr. Shively,
Was laid on the table.

On motion by Mr. Herod,

Resolved, That the committee on roads be instructed to enquire into the expediency of so modifying the law which now requires the board of County Commissioners to assess a road tax, that it shall be left to the discretion of said boards whether to make such assessments or not.

Mr. Anthony offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the present appraisement laws and report by bill or otherwise.

Mr. Handy moved to lay on the table.

Messrs. Handy and Anthony demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Bradley, Boardman, Brown, Bruce, Byers, Claypool, Colms, Conduit, Conner, Darrow, Davis, Duzan, Ford, Foresman, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Hill, Hodges, Hoggatt, Hostetter, Huey, Jamison, Jones of V., Kelly, Kerr, McAllister, McCluer of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Parker, Peek, Pomeroy, Robinson of Decatur, Rose, Rosseau, Shanks, Smith, Snook, Stapp, Stophlet, Tague, Tomlinson, Vandever, Wills, Whight and Mr. Speaker—62.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Brecount, Cowen, Endicott, Fry, Hardin, Herod, Heustis, Hinchman, Howard, Huckaby, Jones of Fountain, Lanius, Legg, Leslie, Lewis of Dearborn, Little, Nutter, Osborn, Pettit, Rich, Robinson of Carroll, Shelby, Simonson, Sullivan, Tingley, Turman, Walker, Wolf, Wright of Switzerland and Wright of Wayne—33.

So the resolution was laid on the table.

On motion by Mr. Fuller,

Resolved, That the committee on the judiciary be instructed to report a bill to this House, as early as possible, repealing a law imposing a five per cent. forfeit in tax gathering.

Mr. Stapp offered the following resolution.

Resolved, That the judiciary committee be instructed to report a

bill for the speedy collection of all debts contracted after the 4th of July next.

Mr. Handy moved to lay the resolution on the table.

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Bradley, Brecount, Brown, Bruce, Byers, Conner, Davis, Duzan, Endicott, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hill, Hodges, Hostetter, Huey, Jamison, Jones of Vigo, Kelly, Lanius, McAllister, McCluer of Knox, McGauhey, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Rose, Rosseau, Smith, Snook, Stophlet, Tague, Turman, Vandever, Walker, Whight and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Claypool, Colms, Conduit, Darrow, Ford, Foresman, Fry, Grubbs, Herod, Heustis, Hinchman, Hoggatt, Howard, Huckaby, Jones of Fountain, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Scott, Miller, Nutter, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Shively, Simonson, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Switzerland, Wright of Wayne—48

So the resolution was not laid on the table.

Mr. Whight moved to indefinitely postpone the resolution.

Messrs. Whight and Palmer demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Colms, Conduit, Conner, Davis, Duzan, Endicott, Foresman, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hill, Hodges, Hoggatt, Hostetter, Huey, Jamison, Jones of Vigo, Kelley, Lanius, McAllister, McCluer of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Rich, Rose, Rosseau, Smith, Snook, Tague, Tomlinson, Turman, Vandever, Walker, Wills, Whight and Mr. Speaker—57.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Blakemore, Claypool, Cowen, Ford, Fry, Grubbs, Herod, Heustis, Hinchman, Howard, Huckaby, Jones of Fountain, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, Miller, Nutter, Osborn, Parker, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Shively, Simonson,

Stapp, Sullivan, Tingley, Wolf, Wright of Switzerland and Wright of Wayne—38.

So the resolution was indefinitely postponed.

On motion by Mr. Colms,

The House adjourned.

2 o'clock, P. M.

The House met.

On motion by Mr. Smith,

Resolved, That the Door Keeper of the House of Representatives contract with the Publisher of the "Western Spectator" for one hundred weekly copies of said paper, during the present session, at a price not exceeding twenty-five cents per copy, for the use of the members of this House.

Mr. Rosseau offered the following preamble and resolutions:

WHEREAS, It is made to appear by the report of the Treasurer of State, of the State of Indiana, made to the General Assembly of said State at their present session, that a considerable amount of the one quarter of the one per cent. Treasury Notes have been altered so as to bear the appearance of, and purport to be, of the six per cent issue, of the dates of April and September, 1840.

And whereas, by reason of said alteration of said notes, they are legally considered null and void, and on that account said Treasurer of State refused to receive said altered notes as if they had not been altered, therefore,

Resolved, That the judiciary committee be requested to enquire into the expediency of authorizing and requiring said Treasurer of State to receive such of said altered notes as may be presented to him for acceptance by the bona fide holders thereof, who have received them, without notice of such alteration, in the usual course of business, with due precaution, and who have paid for them a valuable consideration in the same manner and for the same amount as if said notes had remained unaltered.

Resolved, further, That said committee do further enquire into the propriety of considering the present holders of said notes as bona fide, and that they have received them in the usual course of business without notice of such alteration, as aforesaid, with due precaution, and have paid for them a valuable consideration, until the contrary thereof is made to appear, and report by bill or otherwise to this House.

Mr. Wright of Switzerland, offered the following resolution:

Resolved, That the Door-Keeper of the House of Representatives be authorized to employ a sufficient number of assistants as may be necessary to discharge the duties, not to exceed three in number, at a price not exceeding two dollars per day.

Mr. Osborn moved to amend by striking out three and inserting two, and striking out two dollars and inserting three in lieu thereof. Which did not prevail.

The resolution was then adopted.

On motion by Mr. Parker,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law of evidence, as to prohibit any enquiry whatever into the religious belief of witnesses, and that they report by bill or otherwise.

Mr. Herod offered the following resolution:

Resolved, That the committee on the judiciary be requested to enquire into the propriety of repealing so much of the law of the last session as imposes upon the two oldest justices of the peace of the several civil townships, the duties of overseers of the poor, and renewing the act which was by said law repealed, and report by bill or otherwise.

Which was not adopted.

Mr. Bradley moved to suspend the further order of business and take up

No. 3. A bill to provide for the election of a United States Senator in the Congress of the United States.

Messrs. Robinson of Carroll and Hardin called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—48.

Those who voted in the negative are,

Messrs. Anthony, Boardman, Brecount, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelly, Lanius, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—46.

So the order of business was suspended and the bill taken from the table and read a second time.

Mr. Rich moved to amend by adding, "provided, however, the election take place by viva voce."

Mr. Handy moved to lay the bill and amendment on the table.
Messrs. Whight and Handy called for ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—45.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rousseau, Shelby, Smith, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—52.

So the bill was not laid on the table.

Mr. Handy moved to adjourn.

Messrs. Handy and Robinson of Carroll, demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Wills, Whight, and Wright of Switzerland—46.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Montgomery, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rousseau, Shelby, Smith, Stapp, Sullivan, Tingley, Tomlinson, Wolf, Wright of Wayne, and Mr. Speaker—50.

So the House did not adjourn.

Mr. Handy moved to postpone the further consideration of the bill until the 20th inst.

Messrs. Simonson and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shiveley, Simonson, Snook, Tague, Vandever, Walker, Whight, and Wright of Switzerland—41.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGahey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shanks, Shelby, Smith, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—53.

So the motion did not prevail.

Mr. Shiveley moved to adjourn.

The ayes and noes were demanded by Messrs. Vandever and Hardin.

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shiveley, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—43.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGahey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Rob-

inson of Decatur, Rosseau, Shelby, Smith, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—54.

So the House did not adjourn.

Mr. Stapp moved to postpone the bill, and make it the special order of the day on to-morrow morning at 10 o'clock, A. M.

Which was concurred in.

The House then adjourned.

TUESDAY MORNING, DECEMBER 10, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House the report of the commissioners of the sinking fund ;

Which was laid on the table, and five hundred copies ordered to be printed.

Also, a report of the President of the State Bank of Indiana ;

Which was laid on the table, and five hundred copies ordered to be printed.

Also, the first annual report of the Trustees of the Indiana Asylum for the education of the deaf and dumb ;

Which was laid on the table, and five hundred copies ordered to be printed for the use of the House.

The Speaker laid before the House the remonstrance of sundry citizens of Clark county, remonstrating against any alteration in the act incorporating the town of Charleston, so as to take from the citizens the power to withhold grocery license in said town ;

Which was referred to a select committee of Messrs. Simonson, Robinson of Carroll, and Rich.

The Speaker laid before the House the following communication from R. Mayhew, Treasurer of State :

TREASURER'S OFFICE, }
December 9, 1844. }

Hon. A. C. STEVENSON,

Speaker of the House of Representatives :

In accordance with the resolution of the House, requesting the Treasurer of State to furnish at as early a day as practicable, a "detailed statement of the amount of the three per cent. fund, and the various trust funds used by the State heretofore to defray the ordinary expenses of the State government," I submit the following as the

best response I am able to make, hoping that the information sought by the resolution, is sufficiently shown.

The books containing the accounts of the funds referred to, having been removed (by the operation of the revised statutes) to the Auditor's office, I resort to the books of that office and the present and former years reports, for the information.

By reference to the Auditor's report, present year, it will be seen (page 19) that the balance of the saline funds on hand October 31st, 1843, was,

-	-	-	-	-	-	-	-	\$7,469 12
Page 20, bank tax fund,	-	-	-	-	-	-	-	1,572 99
Page 22, surplus revenue, do.,	-	-	-	-	-	-	-	797 58
Page 23, congressional township, do.,	-	-	-	-	-	-	-	677 52
Page 24, estates without known heirs, do.,	-	-	-	-	-	-	-	2,074 98
Page 24, county seminary fund from militia fines,	-	-	-	-	-	-	-	445 40
Page 24, three per cent. fund,	-	-	-	-	-	-	-	8,819 09

These balances all amount to, - - - \$21,836 48

And were nominally on hand as it respects the several funds to which they pertain ; but undoubtedly were the trust funds to which the late Treasurer, in his last annual report alludes, (see page 4 of reports, or page 14 of documentary journal) where he says—"The " balance remaining in the Treasury at the close of the last year al- " though large in amount, \$601,416 58 was of a description alto- " gether unavailable for current expenditure. The utmost embar- " rassment therefore ensued, and it was only by the use of such " portions of the trust funds as were on hand, and by giving certi- " ficates and prospective checks on the branches of the State Bank " most convenient to the claimants, that the expenses of the winter " were arranged."

These certificates and checks were redeemed out of the first proceeds of the sale of the internal improvement Bank stock, made under the authority of an act of the last General Assembly. It has not however, been in my power, having due regard to the accruing claims upon the Treasury, to re-pay the trust moneys so used, &c."

It may be proper here to remark, that during the past year several of these balances have been somewhat reduced by loans and other payments, as will be seen by reference to the Auditor's report (same page) where it is shown, that

On the 31st of October, 1844, the balance on hand of		
saline fund is,	- - - - -	\$5,175 53
Bank tax fund,	- - - - -	1,856 13
Surplus Revenue fund,	- - - - -	340 35
Congressional Township fund,	- - - - -	192 10
Estates without known heirs,	- - - - -	2,264 44

County Seminary fund from militia fines, - - -	445 40
Three per cent. fund, - - - - -	8,529 41
	<hr/>
Total amount of these funds on hand, -	<u>\$18,803 36</u>

The small amount of these funds so replaced being in the aggregate, \$3,033 12, has been principally derived from that portion of the revenue received in scrip, without interest, being of the same description of scrip now payable on account of these funds, and it is presumed of the same description of currency which had been used.

The amount paid out on account of the three per cent. fund, was in cash. This fund I had designed replacing in full, even if other claims had been postponed, and should have done so, if the warrants or proper vouchers had been presented, in order that there should be no impediment to the reception of other funds from the United States on the same account.

The funds therefore, in the accounts above stated, may be considered as used for ordinary State expenses, according to the amounts stated as balances on hand on the 31st of October for the year 1843 and 1844, except a small amount, \$320, on hand of uncurrent Illinois funds received on account of estates without heirs.

Respectfully, your obedient servant,
R. MAYHEW.

Which was read and referred to the committee of ways and means.

Mr. Robinson of Carroll presented a petition of George Merkle and others, praying a re-location of an alley in the town of Pittsburg;

Which was referred to a select committee of Messrs. Robinson of Carroll, Vandever, and Hoggatt.

Mr. Fuller presented a petition of Susan S. Martin, praying for a divorce;

Which was referred to the committee on the judiciary.

The following message was received from the Senate, by Mr. Otto, their secretary.

MR. SPEAKER:

The Senate have passed an engrossed bill thereof, entitled

No. 1. An act to vacate a part of the town of Mongoquinong, in the county of Lagrange;

Also, an engrossed bill of the House of Representatives, entitled

No. 5. An act providing for holding a special term of the Cass Circuit Court, with one amendment.

In which engrossed bill of the Senate, and amendment, I am directed to ask the concurrence of this House.

The House concurred in the amendment of the Senate, to bill of the House, No. 5, contained in the above message; when,

On motion,

The message was laid on the table.

Mr. Herod, on leave granted, introduced,

No. 21. A bill to create the thirteenth circuit in the State of Indiana;

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Blakemore presented a petition of James Cowdrey Smith, praying for a change of name;

Which was referred to a select committee of Messrs. Blakemore, Pomeroy, and Robinson of Decatur.

The order of business having been suspended,

Mr. Sullivan made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Thomas Hise and others, from Jefferson county, praying an extension of the term of session of the Board of County Commissioners, of Jefferson county, have had the same under consideration, and directed me to report the following bill;

No. 22. A bill, in the above report mentioned, to extend the term of the county board of Jefferson county;

Was read a first time, and ordered to a second reading on to-morrow.

On motion by Mr. Robinson of Carroll,

No. 3. A bill to provide for the election of a Senator in the Congress of the United States was taken up.

On motion by Mr. Smith,

A call of the House was ordered.

Absentees--Messrs. Jones of Fountain, and Wright of Switzerland.

On motion,

The further call was dispensed with.

The question then being on the pending amendment,

The ayes and noes were called for by Messrs. Robinson of Carroll, and Fuller.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Darrow, Duzan, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Vigo, Kerr,

Kelley, Lanius, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McCluer of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Simonson, Smith, Snook, Stapp, Tingley, Tomlinson, Turman, Vandever, Walker, Wills, Whight, Wolf, Wright of Wayne, and Mr. Speaker—90.

Those who voted in the negative are,

Messrs. Heustis, Jones of Fountain, Stophlet, Sullivan, and Tague—5.

So the amendment was not adopted.

Mr. Claypool moved to further suspend the rules and read a third time now.

Messrs. Robinson of Carroll, and Parker called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foreman, Fry, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Lanius, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Shively, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—60.

Those who voted in the negative are,

Messrs. Brown, Byers, Cowen, Darrow, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Howard, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Shanks, Simonson, Snook, Tague, Turman, Vandever, Walker, and Whight—34.

So the rules were not suspended.

The bill was ordered to be engrossed for a third reading.

Mr. Blakemore presented a petition of R. Montgomery and others, praying for the appointment of Commissioners to run a State road therein named;

Which was referred to a select committee of Messrs. Blakemore, Herod and Shanks.

Mr. Robinson of Decatur, made a report from the committee on elections, on the subject of election certificates of the members elect, to the present House of Representatives;

Which was, on motion,
Re-committed to the committee on elections.
Mr. Wright of Switzerland, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred a resolution of the House, instructing them to so change the law as to authorize the citizens of each road district to elect their respective supervisors, have had that subject under consideration ; and have directed me to report that it is inexpedient to legislate on that subject, and beg to be discharged from the further consideration of that subject.

Which was concurred in.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution instructing said committee to report a bill for the repeal of the 73d section of the 4th article of the Revised Statutes of 1843, or so to amend said section as to correspond with the municipal law of said State, regulating contested elections, have had the same under consideration, and requested me to report the following bill, and respectfully recommend its passage.

No. 23. A bill, in the above report mentioned, to repeal the 73d section of the 4th article of the Revised Statutes of 1843 ;

Was read a first time, and ordered to a second reading.

Mr. Osborn made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution instructing said committee to inquire into the expediency of so amending the 3d section of the act of 28th January, 1843, relative to abolishing final records, &c. ; that the plea allowed in said section shall extend to the time of filing the transcript instead of the time of issuing and service of the scire facias, and that such plea shall extend to the costs only ; have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 24. A bill in the above report mentioned, to amend an act entitled "an act abolishing docket fees, dispensing with the final records in certain cases, approved January 28th, 1843 ;"

Was read a first time, and ordered to a second reading.

Mr. Blakemore made the following report :

MR. SPEAKER :

The select committee, to which was referred the petition of James

Cowdery Smith, praying a change of name, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 25. A bill, in the above report mentioned, to change the name of James Cowdery Smith;

Was read a first time, and ordered to a second reading.

Mr. Shanks made the following report:

MR. SPEAKER :

The select committee, to which was referred a petition from the voters of Jackson township, in the county of Washington, praying for the repeal of a certain law; also, a remonstrance against said petition, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 26. A bill, in the above report mentioned, relating to Jackson township, in Washington county;

Was read a first time, and ordered to a second reading.

Mr. Gregory made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of Jacob Aughee and others, praying for relief, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 27. A bill, in the above report mentioned, for the relief of Jacob Aughee of Warren county;

Was read a first and second times, the rules being suspended therefor, considered engrossed and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Barclay,

Resolved, That the committee on elections be instructed to enquire whether the oath prescribed by section 36, chapter 5, article 4, of the Revised Code of 1843, cannot be so amended as to secure greater security against illegal voting, and that said committee report by bill or otherwise.

On motion by Mr. Tague,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law relative to crime and punishment, as to have all matters of minor affairs to be settled before a Justice of the Peace, such as shooting for beef, turkeys, and running horses on public highways, and report by bill or otherwise.

On motion by Mr. Grubbs,

Resolved, That the judiciary committee be instructed to report to this House, a bill reconciling the discrepancy now existing in the

Revised Statutes, as to the term of office of County Treasurers, pages 98 and 192.

Mr. Wright of Wayne offered the following preamble and resolution:

WHEREAS, In the settlement of estates, under the present Probate system, is attended with much unnecessary expense in Attorneys fees, therefore be it

Resolved, That the judiciary committee be instructed to enquire into the expediency of authorizing the board of County Commissioners, when they deem it expedient, to appoint in their respective counties some suitable person, whose duty it shall be, to prepare petitions, reports, and all other things necessary for executors, administrators, and guardians, and allow such person such compensation as in their judgment they may deem reasonable and just, not exceeding twelve and a half cents for every hundred words, and report by bill or otherwise.

Which did not prevail.

On motion by Mr. Mooney,

Resolved, That the judiciary committee be instructed to enquire what amendments, (if any,) to the laws of this State, relative to the assessment and collection of taxes, are necessary to insure a more full and prompt payment of State taxes, and to quiet the titles of purchasers of lands sold for delinquent taxes, and that they have liberty to report by bill or otherwise.

On motion by Mr. Sullivan,

Resolved, That a committee be appointed to enquire into the expediency of calling a convention, so to amend the State constitution, as to allow the State Legislature to meet but once in two years.

Messrs. Sullivan, Colms, and Wills were appointed said committee.

On motion by Mr. Herod,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the propriety of reporting a bill, requiring the Madison and Indianapolis Rail Road Company to acquire the right of way simultaneously with the progress of said road.

On motion by Mr. Hauser,

Resolved, That the committee on canals and internal improvements report to this House a joint resolution, instructing our Senators, and requesting our Representatives in Congress, to use their utmost influence to secure a donation of all the refuse lands in the Vincennes land district, or so much thereof as will complete the cross cut canal from the feeder dam to Evansville.

Mr. Nutter offered the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of amending the law, so as to allow Supervisors of roads to be paid seventy-five cents per day, out of their respective county treasuries, for each day they may be necessarily employed in

executing the duties of their office, with leave to report by bill or otherwise;

Which did not prevail.

On motion by Mr. Bradley,

Resolved, That the committee on roads be instructed to enquire into the expediency of requiring of the several Supervisors in this State, to have all the road tax worked out by each individual who stands charged with the same, instead of requiring of each individual to obtain a receipt from said Supervisor to the Treasurer, with leave to report by bill or otherwise.

Mr. Hambrick offered the following resolution:

Resolved, That so much of the Governor's message as relates to the propriety of appointing one or more Commissioners to receive communications from, and negotiate with, our foreign bond holders, be referred to the committee on ways and means, with instructions to report a bill thereon.

On motion by Mr. Stapp,

The resolution was laid on the table.

On motion by Mr. Hardin,

Resolved, That the committee on roads enquire into the expediency of so amending the 30th section of the 16th chapter of the road law, as to give to the board of Commissioners discretionary power as to width of county roads, with leave to report by bill or otherwise.

On motion by Mr. McCluer of Knox,

Resolved, That the committee on education be instructed to enquire into the expediency of an appropriation, by this General Assembly, of the amount of funds accumulated in the several branches of the State Bank of Indiana, for the purposes of common school education, by virtue of the 15th section of an act establishing a State Bank, to the purposes therein contemplated.

Mr. McCluer of Knox offered the following resolution:

Resolved, That the committee on ways and means be instructed to enquire into the justice and expediency of allowing all delinquent tax payers a release from all penalties and forfeitures accruing on taxes since 1841, upon payment of principal and interest, with the advertising charge or charges: Provided, the same be paid within six months after this release be published.

Which was not adopted.

Mr. Stophlet offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so altering the mode of assessing the State and county revenue, that the several townships may, at the April elections, elect an Assessor who shall, in connection with the County Commissioners, form a board of equalizers.

Which did not prevail.

Mr. Conduit offered the following resolution:

Resolved, That the committee on roads be instructed to report to

this House a bill, so as to amend the road as to require the forfeiture of seventy-five cents instead of one dollar per day, for a failure to work.

Mr. Huckaby moved to amend, by striking out seventy-five cents and insert one dollar and fifty cents.

Which amendment was lost.

Mr. Vandever moved to amend said resolution, by adding "provided such towns and cities as are incorporated, shall be required to pay \$1 50 on failure to work said roads," when,

On motion,

The resolution and amendments were laid on the table.

Mr. Helwig offered the following resolution :

Resolved, That the judiciary committee be instructed to report a bill to this House, allowing a premium on Wolf scalps.

Mr. Rich moved to amend the resolution, by excepting Prairie Wolves.

Which was lost.

Mr. Vandever moved to insert, "sheep-killing dogs."

Which amendment was adopted.

Mr. Tague moved to lay the whole subject on the table ;

Which did not prevail.

Mr. Robinson of Decatur moved to amend, by adding "to be paid out of the county treasury of the county where said wolf or wolves shall be taken."

Mr. Robinson of Carroll moved to lay the subject on the table ;

Which was concurred in.

On motion by Mr. Hazelrigg,

Resolved, That the Governor communicate to this House, at as early a period as possible, a copy of the communication received by him from Boston, "enclosing a memorial from sundry of our bond holders in London," also, a copy of said memorial, and his answer to the same.

On motion by Mr. Hazelrigg,

Resolved, That the committee on ways and means enquire into the expediency of repealing the law attaching a penalty for the non payment of taxes on the 25th December and 1st February, and report by bill or otherwise.

On motion by Mr. Parker,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of making all persons, who voluntarily appear before the grand jurors as prosecuting witnesses, and at whose instance bills of indictments shall be found, responsible for the cost, where such bill or bills shall not be sustained, if, in the opinion of the Court trying the same, such witness or witnesses were actuated by malicious motives, and that they report by bill or otherwise.

On motion by Mr. Little,

Resolved, That the committee on the judiciary be instructed to en-

quire into the propriety of amending the Revised Statutes of 1843, article 10, section 19, so as to require the county surveyors to record their surveys annually in the office of County Recorder.

Mr. Barclay offered the following resolution:

Resolved, that the committee on the judiciary be instructed to enquire into the expediency of authorizing the board of County Commissioners, to make an allowance to justices of the peace and other officers for their services in State cases whenever, in the opinion of said board, it may seem just and proper that such an allowance be made.

Which did not prevail.

Mr. Gregory offered the following preamble and resolution:

WHEREAS, Resident citizens may, by the laws now in force, be required by the Supervisors to work out double the amount of their road tax, therefore,

Resolved, That the committee on roads be instructed to report a bill to this House, providing that where the roads require such work to be done, that non-resident freeholders be required to pay the same amount as is required of resident freeholders, in such road districts as the taxes are doubled.

Mr. Hannah offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill, for the relief of jurors who may be compelled to serve in place of those who may have been challenged as the regular jurors, so that they receive fifty cents each and no more, for each trial they may decide, with leave to report by bill or otherwise.

Which did not prevail.

Mr. Vandever moved to adjourn;

Which motion did not prevail.

Mr. Robinson of Carroll presented the petition of Abigail C. Hovey and Lorenzo D. Hovey for relief;

Which petition was referred to a select committee, consisting of Messrs. Robinson of Carroll, Blakemore, and Miller.

On motion by Mr. Whight,

Resolved, That the committee on military affairs be requested to enquire into the expediency of reporting, at an early day, a bill to this House, providing for a reorganization of the militia of this State in such a manner that the State can draw her proportion of the public arms, according to her proportion of male inhabitants between the ages of eighteen and forty-five years.

Mr. Miller offered the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the present school law, so that sixty-five days shall constitute what is commonly called one quarter or three months school.

Which was referred to the committee on education.

On motion by Mr. Leslie,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of a reduction of the tax on licenses generally, as now required to be charged by law, and especially on licenses to vend "wooden, brass, or composition clocks," with leave to report by bill or otherwise.

On motion by Mr. Fuller,
The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Shively presented,

No. 28. A joint resolution on the subject of letter postage.

Mr. Smith presented,

No. 29. A joint resolution respecting the annexation of Texas.

Mr. McCluer of Knox presented,

No. 30. A joint resolution in relation to the improvement of the navigation of the Wabash river;

Which were severally read a first time,

And passed to a second reading.

Mr. Blakemore presented,

No. 31. A bill for the settlement and adjustment of work done on the first division of the Wabash and Erie canal.

Mr. Conner presented,

No. 32. A bill to abolish the office of County Auditor in the county of Tipton.

Mr. Wills presented,

No. 33. A bill to amend an act providing for the election of a School Commissioner in Russell township, in Putnam county;

Which were severally read a first time,

And passed to a second reading.

Mr. Osborn presented,

No. 34. A bill to amend an act amendatory to Michigan City charter;

Which was read a first and second time, the rules being suspended,

And ordered to be engrossed for a third reading.

Mr. Anthony presented,

No. 35. A bill to authorize Paul Starr to erect a mill dam across the Calumet river.

Mr. Endicott presented,

No. 36. A bill to repeal the Posey county road law.

Mr. Pomeroy presented,

No. 37. A bill to legalize certain proceedings had in the office of School Commissioner in the county of Marshall.

Mr. Herod presented,

No. 38. A bill to authorize the board of Commissioners of Bartholomew county to erect a toll bridge across Driftwood Fork of White river at Columbus.

Mr. Colms presented,

No. 39. A bill regulating the fees of grand and petit jurors.

Mr. Pettit presented,

No. 40. A bill fixing the time for holding courts in the 8th judicial circuit.

Mr. Pomeroy presented,

No. 41. A bill limiting the fees of Sheriff for extra service, in the county of Marshall.

Mr. Whight presented,

No. 42. A bill to repeal a certain act therein named, so far as it relates to the county of Pike.

Mr. Rosseau presented,

No. 43. A bill declaring Black creek, in the county of Greene, a navigable stream.

Mr. Herod presented,

No. 44. A bill to repeal an act entitled an act concerning overseers of the poor, approved January 15, 1844, so far as the same is in force in Bartholomew county.

Mr. Wright of Switzerland presented,

No. 45. A bill to authorize supervisors to purchase suitable tools to work the roads with.

Mr. Pomeroy presented,

No. 46. A bill to extend the powers of Masters in Chancery, and for other purposes.

Mr. Osborn presented,

No. 47. A bill to declare the meaning of section 29, chapter 31, of acts 1843;

Which were severally read a first time,

And passed to a second reading on to-morrow.

On motion,

The message from the Senate was taken from the table, and

No. 1. An act to vacate a part of the town of Mongoquinong in the county of Lagrange,

Was read a first time,

And passed to a second reading.

A message from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, as follows:

No. 14. An act to repeal "an act to limit the trustees of Evansville to a certain tax."

The Senate have passed engrossed bills of the Senate as follows:

No. 5. An act relating to the collection of taxes in the town of Rising Sun.

No. 12. An act to repeal a certain act therein named.

No. 15. Act act to extend the time of holding the May term of the Decatur Circuit Court;

In which I have been directed to ask respectfully the concurrence of this House.

Numbers 5 and 12 contained in the above message were read first time and passed to a second reading.

No. 15 in the message was read first and second times, the rules having been suspended, and ordered to a third reading.

A message from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed engrossed bills thereof as follows:

No. 6. An act for the relief of Pierrie (alias Peter) Poncin of Knox county.

No. 7. An act to extend the time of holding Probate Courts in the counties of Washington, Ripley and Jefferson.

No. 8. An act to repeal an act entitled "an act to incorporate the Terre-Haute Drawbridge company, approved January 15, 1844."

No. 9. An act relative to the Fall terms of the Circuit Courts in the 12th Judicial Circuit, and for other purposes.

No. 10. An act to vacate a part of a State road in the county of Noble.

Also, an engrossed joint resolution thereof, entitled

No. 11. A joint resolution reviving in part, a certain act therein named;

In which I am directed to ask the concurrence of this House.

Nos. 6, 10 and 11, in the above message, were read first time and passed to a second reading.

No. 7 in the message was read first time, the rules suspended, read second time and referred to Messrs. Stapp, Jones of Fountain, and Boardman.

No. 8 in the aforesaid message was read three several times, the rules having been suspended—the bill considered as engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No 9 in the message was read first time, the rules suspended, read second time and ordered to a third reading.

No. 2. A bill providing for the loaning of the School funds of Clay county;

Read second time and referred to a select committee of Messrs. Rose, Endicott and Hodges.

No. 7. A bill to repeal a portion of an act entitled "an act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike;

Read second time and ordered to be engrossed for a third reading.

No. 8. A joint resolution on the subject of the Wabash and Ohio Canal;

Read second time and referred to Messrs. Whight, Hodges, Rose, McGauhey, Montgomery, Walker and Fuller.

No. 10. A bill to amend an act entitled "an act to incorporate the Porter county manufacturing company, approved January 13th, 1844;"

Read second time and committed to the committee on corporations.

No. 12. A bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana;

Read a second time and committed to the committee on corporations.

Mr. Palmer moved the following instructions, viz:

"That the committee so amend the bill as to make the stockholders individually liable for the debts of the association."

The question being on the adoption of the instructions,

The ayes and noes were demanded by Messrs. Whight and Palmer.

Those who voted in the affirmative are,

Messrs. Boardman, Brecount, Brown, Bruce, Byers, Colms, Conduit, Cowen, Davis, Duzan, Endicott, Ford, Fuller, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Kelly, Lan-
 ius, Lewis of Dearborn, Little; McAllister, McCluer of Knox, Man-
 ville, Montgomery, Mooney, Nimmon, Palmer, Peek, Robinson of
 Carroll, Robinson of Decatur, Rose, Shanks, Simonson, Smith, Snook,
 Tague, Turman, Vandever, Walker, Wills, Whight, and Wright of
 Switzerland—55.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Claypool,
 Conner, Darrow, Fry, Garrett, Gregory, Grubbs, Herod, Hinchman,
 Hodges, Jones of Vigo, Legg, Leslie, Lewis of Wayne, McGauhey,
 Miller, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Ros-
 seau, Shelby, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wolf,
 Wright of Wayne, and Mr. Speaker—38.

So the instructions were adopted.

Mr. Hazelrigg moved to amend as follows:

"That the committee insert a clause, reserving to the General As-
 sembly the right of repealing the charter whenever the company have
 violated the same."

Mr. Blakemore moved to amend the amendment "so as to require
 a majority of two-thirds of both houses to repeal."

Pending which motions,

The House adjourned.

II H

WEDNESDAY MORNING, DECEMBER 11, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the President of the State Bank of Indiana, which,

On motion by Mr. Robinson of Carroll,

Was referred to the committee on the State Bank.

Mr. Vandever moved to instruct the committee on the State Bank to enquire into the expediency of reporting a joint resolution instructing the Governor to issue a scire facias against the President and Directors of said Bank, to show cause, if any there be, why it shall not forfeit its charter;

Which was adopted.

On motion by Mr. Robinson of Carroll,

Mr. Blakemore (at his request) was excused from serving on the select committee to which was referred the petition of Abigail C. Hovey and L. D. Hovey, and Mr. Vandever added.

Mr. Shiveley presented a petition of John Davis and others, praying a repeal of a part of the criminal code therein named;

Which was referred to the committee on the judiciary.

The Speaker laid before the House the following communication from H. J. Harris, Auditor of State:

AUDITOR'S OFFICE,
December 11, 1844. }

*To the Honorable Speaker
of the House of Representatives:*

SIR:—In compliance with the resolution of the House, adopted on the 6th inst., I have the honor to submit the following statements, showing the amount allowed to the various officers on the Wabash and Erie Canal, east and west of Tippecanoe, during the years 1843 and 1844 respectively.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

Auditor of State.

Allowances in 1843.

Stearns Fisher, commissioner on eastern division,	-	-	\$1,000
Two superintendents at \$1,000 each, (eastern division,)	-	-	2,000
Two Clerks in the land offices,	-	-	1,150

Four collectors at \$400 each, - - - - -	1,600
James Blair, commissioner on western division, at \$2,50 per day, - - - - -	915
Principal Engineer, western division, - - - - -	1,000
Three assistant engineers, on western division, at \$800 each, - - - - -	2,400
Total for 1843,	<u>\$10,065</u>

Allowances in 1844.

Ebenezer F. Lucas, general superintendent, - - - - -	\$1,000
Six assistants, (three on eastern and three on western divisions—the latter forming a part of the engineer corps,) at \$500 each, - - - - -	3,000
Four collectors, at \$400 each, - - - - -	1,600
Principal Engineer, (western division,) - - - - -	1,000
Assistant “ “ “ - - - - -	800
Two clerks in the land offices, - - - - -	1,200
Total for 1844,	<u>\$8,600</u>

The reduction in the expenditures on account of officers' salaries, under the act of December 15, 1843, is, therefore, \$1,465 per annum.

*To the Committee on Canals
and Internal Improvements:*

Since the foregoing report was made out, my attention has been called to the fact that two superintendents were employed on the western division, in 1843, at a salary of \$540 each. This would make the expenditures for that year \$11,145, and the reduction would, therefore, be \$2,545 per annum. The report of expenditures for 1843 as above, was made from the vouchers on file in this office, and the accounts in the vouchers are sometimes made out in such vague terms, as to prevent an absolute certainty in arriving at the number and compensation of officers.

Your obedient servant,

HORATIO J. HARRIS.

Mr. Heustis presented a petition of James Garrigus and others, praying a repeal of a law locating a certain road;

Also, a petition of Charles Perrine and others, on the same subject; Which were referred to the committee on roads.

Mr. Bradley presented a remonstrance of Austin W. Morris, remonstrating against the Legislature granting the petition of Abigail C. Hovey and L. D. Hovey;

Which was referred to the select committee to which was referred the petition on the same subject.

Mr. Heustis presented a petition of John Condall, praying the passage of an act for the purpose therein named;

Which was referred to a select committee of Messrs. Huestis, Whight, and Wright of Wayne.

Also, a petition of Catherine Ruble, praying for the passage of an act for purposes therein named;

Which was referred to the committee on the judiciary.

Mr. Walker presented a remonstrance of sundry citizens of Posey county, remonstrating against a change in a certain road:

Which was referred to the committee on roads.

Mr. Huey presented a petition of Theophilus Wilson and others, on the subject of a mill-dam across Wabash river;

Which was referred to a select committee of Messrs. Huey, Gregory, and Hardin.

Mr. Lewis of Dearborn, presented a petition of S. Ludlow, praying for relief;

Which was referred to the committee on the judiciary.

Mr. Conduit presented a petition of Ann Matthews, praying for relief;

Which was referred to a select committee of Messrs. Conduit, Bell, and Leslie.

Mr. Cowen presented a petition of sundry citizens of Elkhart county, praying for a modification of an act regulating the duties of County Treasurers;

Which was referred to a select committee of Messrs. Cowen and Hazelrigg.

Mr. Stapp presented a communication of J. R. Troxell, asking for relief to be granted John M'Intire;

Which was referred to the committee of ways and means.

Mr. Hazelrigg made the following report:

MR. SPEAKER :

The committee on education to which was referred the resolution instructing them to enquire into the expediency of amending the 98th section of the 15th chapter of the Revised Statutes of 1843, have had the same under consideration and directed me to report the following bill, and recommend its passage.

No. 49. A bill, in the above report mentioned, to amend the 98th section of the 15th chapter of the Revised Statutes of 1843, relating to common schools;

Was read a first time and ordered to a second reading.

Mr. Hazelrigg made the following report:

MR. SPEAKER :

The committee on education to whom was referred the resolution instructing them to enquire into the expediency of amending the school law relative to the district Treasurers having the teachers day-book signed, sworn to and filed in his office before paying out any money, have had the same under consideration and ask leave to report,

That they do not think any legislative action on that subject necessary, as that matter is already sufficiently provided for.

The committee asks to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Bradley made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred the report of Wm. Ray, W. Dickerson and M. Gray, commissioners appointed by an act of the last General Assembly to assess the damages of John Sankey, occasioned by the construction of the Cross-Cut canal, in Vigo county, have, according to order, had that subject under consideration, and they have directed me to report the accompanying bill and recommend its passage.

No. 50. A bill, in the above report mentioned, for the relief of John Sankey of Vigo county;

Was read a first time and ordered to a second reading.

Mr. Montgomery made the following report :

MR. SPEAKER :

The select committee, to whom was referred a petition to legalize the election for trustees of the Enon Church of General Baptists in Gibson county, have had that subject under consideration and have directed me to report the following bill, and recommend its passage.

No. 51. A bill, in the above report mentioned, to legalize the election for trustees of the Enon Church of General Baptists in Gibson county;

Was read a first time and ordered to a second reading.

Mr. Sullivan made the following report :

MR. SPEAKER :

The committee to whom was referred the resolution of the House authorizing the committee to enquire into the expediency of calling

a convention to amend the Constitution, have had the matter under consideration, and directed me to report the following bill, and recommend its passage.

No. 52. A bill in the above report mentioned, authorizing a convention to be called to alter, change, or amend the constitution,

Was read a first time and ordered to a second reading.

Mr. Lewis of Dearborn made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of Joseph Proctor and others asking for relief, have had that subject under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 53. A bill in the above report mentioned, for the relief of Joseph Proctor and others;

Was read a first time, and ordered to a second reading.

Mr. Pettit made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Mahlon Waldron and others, for the passage of an act authorizing Daniel C. Shannon to erect a mill dam across the Mississinewa river, have considered the same, and instructed me to report the accompanying bill:

No. 54. A bill in the above report mentioned, to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;

Was read a first time, and ordered to a second reading.

Mr. Pettit made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Otey James and other citizens of Wabash county, for the passage of an act for the protection of wild deer within said county, have considered the same, and directed me to report the accompanying bill:

No. 55. A bill in the above report mentioned, for the preservation of wild game in the county of Wabash;

Read a first time, and ordered to a second reading.

On motion by Mr. Claypool,

Resolved, That the judiciary committee be directed to report to this House, their opinion of the execution law as it now stands in

connection with the late decision of the supreme court, so that sheriffs and constables may act more advisedly on the subject.

On motion by Mr. Pomeroy,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill, making a further provision in the law for the disposition "of the lands delinquent for the non-payment of taxes, which were offered for sale for the collection of taxes, on the first Monday of January, 1844," and not sold for the want of bidders, that in reporting said bill a direct reference be had to the 124th section of the 12th chapter of the Revised Statutes of 1843.

On motion by Mr. Byers,

Resolved, That a select committee be appointed to enquire whether or not the present term of service of the commissioners of the seminary lands in Gibson and Monroe counties have expired, and if so, to report a bill to this House filling such vacancies and defining their duties.

Messrs. Byers, Montgomery, and Whight were appointed said committee.

Mr. Tague offered the following resolution :

Resolved, That the Speaker appoint a select committee, consisting of one person from each congressional district, to enquire into the propriety of reporting a bill relative to revaluing the lands of this State, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Hauser,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of equalizing the interest on the school funds, and report by bill or otherwise.

On motion by Mr. Robinson of Decatur,

The resolution empowering the committee on elections to employ a clerk, was taken up ;

Mr. Wright of Switzerland moved to amend, by inserting "said committee shall not allow said clerk more than two dollars per day."

Which prevailed.

The question then being, on the adoption of the resolution as amended,

Messrs. Handy and Robinson of Carroll called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Byers, Colms, Conduit, Conner, Cowen, Darrow, Foresman, Fry, Fuller, Grubbs, Herod, Hill, Hinchman, Hostetter, Huckaby, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Manville, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shanks, Shelby, Shiveley, Smith, Stapp, Sullivan, Tingley,

Tomlinson, Wills, Whight, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Brecount, Claypool, Davis, Duzan, Ford, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Heustis, Hodges, Hoggatt, Huey, Jamison, Lewis of Dearborn, McAllister, McClure of Scott, Mooney, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Simonson, Snook, Tague, Turman, Vandever, and Walker—34.

So the resolution was adopted.

On motion by Mr. Grubbs,

Resolved, That the committee on the judiciary be instructed to enquire what amendments, if any, are necessary in the law regulating the issuing of *capias ad respondendum*, and report by bill or otherwise.

On motion by Mr. Herod,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of authorizing sheriffs to employ a sufficient number of bailiffs, during the terms of their county courts, respectively to facilitate the business of the grand jurors and courts, and that they report by bill or otherwise.

On motion by Mr. Rose,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the revenue law that the road tax shall not be made a charge upon the tax duplicate until there shall be a return of delinquents by the different road supervisors, with leave to report by bill or otherwise.

On motion by Mr. Pomeroy,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 429th section of the 40th chapter of Revised Statutes of 1843, as to allow the plaintiff in execution to proceed on motion against the purchaser refusing to pay, instead of requiring the sheriff to do it, and that said committee report by bill or otherwise.

On motion by Mr. Whight,

Resolved, That the House will, the Senate concurring therein, adjourn sine die, on Monday the 13th day of January next.

On motion by Mr. Pettit,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so changing the law in relation to prosecuting attorneys, as to make one elective in each county by the people thereof, and that the report be made by bill or otherwise.

On motion by Mr. Leslie,

Resolved, That the 53rd, 54th, and 55th sections of the fifth article of the revenue law be referred to the committee of ways and means

with leave to enquire into the expediency of amending the same, and to report by bill or otherwise.

On motion by Mr. Stapp,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of authorizing the commissioners of the Sinking Fund or the board of directors for the State Bank, to exchange mortgages given to the State to secure the payment of loans to stockholders.

Mr. Grubbs, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, report that they have compared the following enrolled with the engrossed bills, and find them correctly enrolled:

No. 5. An act providing for holding a special term of the Cass Circuit Court.

No. 14. An act to repeal an act to limit the trustees of Evansville to a certain tax.

Mr. Vandever introduced

No. 56. A joint resolution in favor of Thomas W. Dorr;

Mr. Manville introduced

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

Mr. McAllister introduced

No. 58. A joint resolution in relation to a grant of land for the completion of the northern end of the Central Canal;

Which were severally read a first time and passed to a second reading on to-morrow.

The following message from the Senate was received by Mr. Ritchey, a member of that body:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on to-morrow, at 10 o'clock, A. M., to the election of President Judges in the first, second and third judicial circuits;

In which the concurrence of the House is respectfully requested.

Mr. Simonson moved to reciprocate the above resolution.

Mr. Huckaby moved to lay on the table.

The ayes and noes were called by Messrs. Handy and Simonson.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Herod, Hinchman, Huckaby, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wright of Wayne, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Anthony, Boardman, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Fuller, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shiveley, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wolf—47.

So the motion to lay on the table was lost.

Mr. Conner moved to amend as follows:

Insert before the word Judges "a United States Senator," and at the close of the resolution add the following—"which several elections shall have precedence in the order they stand arranged; and continued from day to day until said Senator and Judges are chosen; and the manner of choosing United States Senator, shall be *viva voce*," and said election shall be by the vote of both Houses in joint convention in this hall, as such elections have heretofore been conducted.

On motion by Mr. Rich,
The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of the foregoing message.

Mr. Smith moved a call of the House;

Which motion was sustained.

On motion by Mr. Hodges,

A further call was suspended.

The question then recurring, Shall the resolution be reciprocated with the amendment?

The ayes and noes being called by Messrs. Handy and Simonson;

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McCluer of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rousseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shiveley, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—44.

So the resolution was reciprocated with the amendment.

Ordered, That the Clerk inform the Senate thereof.

Mr. Parker moved to reconsider the vote on the resolution to adjourn on the 13th of January.

After some discussion the previous question was called by Mr. Handy and seconded by the House.

To the question, shall the main question be now put?

The House decided in the affirmative.

The question then recurring, shall the vote be reconsidered?

The ayes and noes having been demanded by Messrs. Simonson and Whight;

Those who voted in the affirmative are,

Messrs. Barclay, Boardman, Bruce, Davis, Foresman, Gregory, Grubbs, Jones of Fountain, Legg, Miller, Mooney, Osborn, Parker, Rich, Robinson of Carroll, Stapp, Sullivan, Tingley, Tomlinson, Vandever, Wills, and Mr. Speaker—22.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Bradley, Brecount, Brown, Byers, Claypool, Colms, Conduit, Conner, Cowen, Darrow, Duzan, Ford, Fry, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Vigo, Kelly, Kerr, Lanius, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McCluer of Knox, McClure of Scott, McGauhey,

Manville, Montgomery, Nimmon, Nutter, Odell, Palmer, Peek, Pettit, Pomeroy, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Simonson, Smith, Snook, Tague, Turman, Walker, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—73.

So the motion to reconsider was lost.

On motion,
The House adjourned.

WEDNESDAY MORNING, DECEMBER 12, 1844.

The House met pursuant to adjournment.

Mr. Claypool moved that the clerk of the House be directed to withhold the message to the Senate, informing them of the adoption of the resolution of yesterday, fixing the time of adjournment *sine die* on the 13th January next, until further action is had thereon by the House; that an earlier day may be agreed upon for adjournment.

Mr. Robinson of Carroll objected, and presented a point of order, as follows, viz:

That the motion by the gentleman from Fayette, Mr. Claypool, is not in order, because it is made in violation of the order of business, which, by the rules of this House, cannot be changed unless by a vote of two-thirds of its members; and because no vote has been taken by the House that it consider the motion.

The Speaker decided the motion to be in order, discriminating between orders of the House and resolutions; the former of which do not come within the purview of the rule, requiring a suspension of the order of business.

From which decision of the chair Mr. Whight appealed.

And the question being, shall the decision of the chair stand as the judgment of the House.

The ayes and noes being demanded by Messrs. Whight and Hoggatt,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Cowen, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McGauhey, Miller, Nimmon, Nutter,

Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, and Wright of Wayne—48.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Darrow, Davis, Duzan, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Kelley, Lanius, Lewis of Dearborn, McAllister, McCluer of Knox, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Parker, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shiveley, Simonson, Snook, Stapp, Tague, Turman, Vandever, Walker, and Whight—45.

So the decision of the chair was sustained.

The question then recurring on the original motion,

Mr. Osborn moved to strike out Clerk and insert Speaker,

When, on motion by Mr. Hodges,

The motion and amendment were laid on the table.

Mr. Stapp moved to reconsider the vote to lay on the table,

Which did not prevail.

The Speaker laid before the House a communication from G. H. Dunn, late Treasurer of State.

To the General Assembly

of the State of Indiana:

I beg leave to make known to the General Assembly, that when I came to close my accounts as late Treasurer of State, and hand over to my successor the funds on hand amounting to near half a million of dollars, I most unexpectedly found them to differ in the amount of \$10,812, an occurrence I am still wholly at a loss to account for satisfactorily, although I have caused every investigation to be made which my opportunities permitted.

There is however cause to believe that the difficulty may have occurred in the destruction of the cancelled Treasury notes and scrip made last winter by the committee of ways and means in the paper mill in this town.

The circumstances leading to this belief, are first, that when I came to clear out the treasury vault and hand over its contents, some bundles were found containing mutilated treasury notes, the principal of which amounts to \$30,320, and mutilated upper Wabash canal scrip, the principal of which amounts to \$33,452 11, all of which ought and were supposed to have been destroyed. And, second, that some notes were destroyed which were not cancelled.

The circumstances attending the destruction of these notes are these: They had been counted by the committee of ways and means, and mutilated by having several holes punched through them.

They were then placed in the treasury vault, in a box specially appropriated for that purpose, and for containing the cancelled State bonds.

In this way the receipts for two years had accumulated, making something like a hundred bundles, ranging from a few hundred to many thousands of dollars, and amounting in all to \$1,047,658 71. The bundles were numbered and the amount contained marked on the back.

I was so constantly occupied with official engagements, from the time when the committee got through with their count of the treasury paper, and appointed a time for its destruction, that I did not find time to bring the bundles out of the vault and arrange them for removal to the mill, until just before the committee assembled at my office, and in the hurry that ensued, I contented myself with barely examining the number and amount as marked on the back, without opening the bundles and looking particularly at the contents.

Under other and more favorable circumstances, no doubt, a more thorough examination would have been given, but in the belief that every care had been taken to keep the mutilated scrip separate from all other kinds, it was not thought possible that any mistake or error could occur.

It happened to be a very cold and unpleasant day, and the mill house was open and uncomfortable, and the several members of the committee commenced untying the bundles and throwing the contents under the engines without much ceremony, and in some haste and confusion. During the operation, one member of the committee, I think Mr. Mooney of Jackson county, came to me with a few bills in his hand, part of a bundle he had just cast under the engine, and which were not mutilated. Although surprised at the circumstance, I then felt so much confidence in the care which had been taken in the assorting and placing the scrip, that I could not conceive how any error should have occurred, and I instantly settled down in the conviction that it must have been some small lot or division of a bundle, which the committee, after counting, had omitted to punch, or had failed to punch entirely through; the packages being generally so large, that they had to be separated into parcels for that purpose. This I suggested to Mr. Mooney as being the probability; but I requested the gentlemen to examine the packages more particularly, as they opened them, to see that all were mutilated.

I had no opportunity of investigating the subject afterwards, even if I had thought it important to do so; the press of business consequent upon the close of the session keeping me constantly occupied, and the circumstance passed from my mind until re-called at the time of making my settlement.

Although at a loss to account for the difficulty in any other way, yet I cannot say that I am entirely satisfied that it has occurred in

the manner stated; and I entertain some hope that further investigations into the transactions of the office may bring it to light, and such I shall continue to make. It is true that errors in regard to that transaction were committed, as is evident, from the bundles of scrip found on hand, which should have been destroyed, and which must have been overlooked by reason of the darkness of the vault, and their being larger than the other bundles, and looking something like the bundles of State bonds in the same box; and it may have been that some packages of uncounted and un mutilated notes might have got mixed with the others, for the quantity on hand was sometimes so great that the iron safes would not contain it, and it was piled up in various places in the vault. If the error has occurred in this way it is most likely to be discovered when the scrip is redeemed, as only one class of that kind of paper has been sufficiently in circulation to justify the belief that so great an amount of it could have been lost.

In one aspect of this affair, if the mutilated paper on hand is counted to me, I shall have many more thousands than I am chargeable with. But this would not be right, inasmuch as I have once received credit for it under the supposition that it was destroyed; and although there exists a reasonable probability that some other funds were destroyed for which I have not received credit, I have felt it my duty to place in the treasury an amount sufficient to meet this deficiency. This at some sacrifice, and with considerable difficulty I have been able to do, and I now submit the matter to the General Assembly with the request that the settlement made shall not be deemed final, but remain open for future adjustment, and that the funds I have deposited in the treasury to meet this amount may not be destroyed, but kept apart to be returned to me should I hereafter be able to show myself entitled to them.

The amount above stated as lost may be increased or diminished, to the extent of a few hundred dollars by the allowance of some claims, or by the correction of some minor errors yet under examination, and the amount paid in will be increased if the result of such examinations should show it to be necessary or proper.

G. H. DUNN.

STATE OF INDIANA, }
 Marion county, ss. }

Before me the undersigned, a Notary Public, within and for said county, personally appeared George H. Dunn, within named, and made oath that the facts set forth in the within statement are true to the best of his knowledge and belief, that the sum stated to be lost may be increased or diminished to the extent of a few hundred dollars by further examinations, that he has not himself used the sum above stated as lost or any part of it, nor as he any reason to believe that any person in his employ or having access to his funds

has done so ; nor can he account for the loss of the same in any other way than is therein stated.

[SEAL.]

In testimony whereof, I have hereunto set my hand and seal, this eleventh day of December, 1844.

JACOB B. McCHESNEY,
Notary Public.

INDIANAPOLIS, *December 9, 1844.*

I do hereby state, that I was chairman of the committee of ways and means of the House of Representatives at its session of 1843-4, and was present generally at the counting of the treasury notes and scrip in the Treasurer's office, and believe that very little was counted except when I was present; that the practice was for the members of the committee who were present, as they counted a bundle to punch several holes through the same, and great care was taken that this should be done as the packages were counted. From the manner in which the business was done, I am satisfied that all the scrip and Treasury notes that were counted and certified to by the committee, were mutilated in the manner above stated.

I was also present when the committee assembled at the Treasurer's office to remove the paper to the mill for destruction, and the committee waited some little time before the Treasurer got all the bundles out and arranged for removal.

I was also present at the mill and saw the paper destroyed, but do not remember to have noticed that any was not punched. I remember the request being made to notice the bundles as opened to see that all was right, but do not remember whether it was made at the time we commenced or afterwards. There were several members present, and all participated in opening and scattering the paper under the engine.

W. A. BOWLES.

I certify, that as a member of the committee of ways and means of the House of Representatives of Indiana, at the last session of the General Assembly, I was engaged with the committee in the discharge of its appropriate duties; among others was that of counting and cancelling the various descriptions of treasury notes and scrip that had been redeemed at the Treasury. After all that were handed to the committee by the Treasurer for that purpose had been counted and cancelled, as supposed, by punching large holes through them, on Saturday previous to the adjournment of the Legislature, I accompanied Doctor Bowles, the chairman of the

committee, Mr. G. H. Dunn, then State Treasurer, and other gentlemen, to Mr. Sheets's Paper Mill, to which place also at the same time was brought, as was intended and believed in boxes in a wagon, all the various kinds of State paper that had been redeemed, counted, and cancelled as above mentioned, for the purpose of being entirely destroyed by the machinery of the mill. The Treasury notes and other variety of State scrip were tied up in bundles of various sizes and amounts, differing from the nominal amount of one to five, ten and fifteen thousand dollars—perhaps more. The manner of destroying them was by untying the bundles and scattering the bills upon the surface of the water in the pool, and in which they were carried in contact with the machinery and wheels which tear paper and rags into atoms.

While engaged in this manner with Doctor Bowles and Mr. Dunn, I discovered that a portion of a bundle, (I did not notice it all,) of the bills which composed it, and which I had untied and was throwing into the pool, had not been punched, and immediately called Mr. Dunn's attention to the fact, expressing my belief that there was some mistake. After some little reflection, he replied, that he thought there could be no mistake, and bade me to proceed to throw them into the pool, which I did.

The appearance of those bills according to my recollection was unsoiled as if they had not been circulated, which was the case with a large number of the 5 per cent. Bank Scrip, the $\frac{1}{4}$ of one per cent. Treasury notes and canal scrip that had been counted and cancelled by the committee.

I am decidedly of the opinion that all the Treasury notes and scrip that had been counted by the committee with a view of being destroyed, were punched with holes as above mentioned, although I did not see it all done myself, for while some were counting, others were engaged in cancelling; but by the arrangement and manner of performing this business, and the care of the committee, there was little or no chance of oversight or mistake on their part.

S. P. MOONEY.

Dated Indianapolis, December 9, 1844.

Mr. Whight moved to lay on the table, and order five hundred copies to be printed;

Which did not prevail.

Mr. Herod moved to commit to the committee on the judiciary.

Mr. Simonson moved to strike out judiciary, and insert ways and means;

And the motion was so amended, and decided in the affirmative.

Mr. Robinson of Decatur made the following report:

MR. SPEAKER:

The committee on elections, to whom was recommitted the certificates of election of the members of this House, have examined

the same, and find that the following persons were duly elected Representatives on the first Monday of August last, from the following counties, to-wit:

Adams and Jay—Robert Huey.

Allen—Samuel Stophlet.

Brown—Sylvanus Manville.

Bartholomew—William Herod.

Boone—John Duzan, and Harvey G. Hazelrigg.

Carroll and Richardsville—Andrew L. Robinson.

Cass—George W. Blakemore.

Clark—John S. Simonson and Thomas J. Howard.

Clay—Allen T. Rose.

Clinton—James Hill.

Crawford—Jonathan R. Brown.

Dearborn and Ohio—Oliver Heustis, John Lewis, and William Lanus.

Decatur—Joseph Robinson.

Daviess—James P. McGahey.

Delaware—John Tomlinson.

Dubois—Silas Davis.

Elkhart—Joseph Cowen.

Fayette—Newton Claypool, and Samuel Little.

Floyd—George J. Wolf.

Fountain—John R. Jones.

Franklin—Joel Palmer, and David G. Hannah.

Gibson—William Montgomery.

Grant—James S. Shiveley.

Greene—Lovel H. Rosseau.

Hamilton and Tipton—William W. Conner.

Hancock—George Tague.

Harrison—Frederick Leslie.

Hendricks—William T. Matlock.

Henry—Isaac Parker, and John W. Grubbs.

Huntington, Blackford, and Wells—Jared Darrow.

Jackson—Samuel P. Mooney.

Jefferson—Milton Stapp, and Thomas L. Sullivan.

Jennings—De Witt C. Rich.

Johnson—Franklin Hardin.

Knox—Daniel G. McClure.

Laporte—Andrew L. Osborn, and John M. Barclay.

Lawrence—Lucien Q. Hoggatt.

Madison—Thomas Bell, and Thomas McAllister.

Marion—John L. Bruce, and John M. Jamison.

Marshall, Fulton, and Stark—William J. Pomeroy.

Martin—Cager Peek.

Miami and Wabash—John U. Pettit.

Monroe—David Byers.

Montgomery—Francis H. Fry, and Henry S. Snook.

Morgan—Alexander B. Conduit.
Noble and Lagrange—William H. Nimmon.
Orange—Joel Vandever.
Owen—Frederick Hauser.
Parke—Hugh J. Bradley, and James Kerr.
Perry—Joshua B. Huckaby.
Pike—Alvin T. Whight.
Posey—James C. Endicott.
Porter and Lake—Samuel J. Anthony.
Putnam—Alexander C. Stevenson, Ambrose D. Hambrick, and David Wills.
Randolph—Royston Ford.
Ripley—David Boardman.
Rush—George B. Tingley, and James Hinchman.
Scott—David McClure.
Shelby—Augustus C. Handy.
Spencer—Thomas M. Smith.
Steuben and De Kalb—Jacob Helwig.
St. Joseph—William Miller.
Sullivan—Thomas Turman.
Switzerland—Thomas T. Wright.
Tippecanoe—John W. Odell, Philip Foresman, and Isaac Shelby.
Union—Charles Nutter.
Vermillion—Henry Hostetter.
Vanderburg—James T. Walker.
Vigo—John Hodges, Caleb Garrett, and David M. Jones.
Warren—Leroy Gregory.
Warrick—Isham Fuller.
White, Jasper, Pulaski, and Benton—Gideon Brecount.
Washington—William Shanks, and John Kelley.
Wayne—Joseph Lewis, Eli Wright, and Walter Legg.
Kosciusko and Whitley—Stephen H. Colms.

Which was concurred in.

Mr. Herod made the following report:

MR. SPEAKER:

The committee of ways and means have directed me to report the following resolution:

Resolved, That the committee on ways and means be authorized to employ a clerk to aid them in the discharge of the duties of said committee, provided said clerk hire shall not exceed the sum of two dollars per day.

Mr. Handy moved to lay the resolution on the table;
 Which did not prevail.

The resolution was then adopted.

Mr. Simonson moved to reconsider the vote.

Messrs. Simonson and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Bradley, Bruce, Byers, Cowen, Darrow, Duzan, Ford, Hambrick, Hannah, Handy, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kerr, Lanius, Leslie, Little, McAllister, McClure of Scott, Montgomery, Nimmon, Palmer, Peek, Pomeroy, Rich, Rose, Simonson, Sullivan, Tague, Tingley, and Wright of Wayne—44.

Those who voted in the negative are,

Messrs. Bell, Boardman, Brecount, Brown, Claypool, Colms, Conduit, Conner, Davis, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Herod, Hinchman, Hodges, Huckaby, Jamison, Kelley, Legg, Lewis of Dearborn, Lewis of Wayne, McClure of Knox, McGauhey, Manville, Miller, Mooney, Nutter, Odell, Parker, Pettit, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Smith, Snook, Stapp, Stophlet, Tomlinson, Turman, Vandever, Walker, Wills, Wolf, Wright of Switzerland, and Mr. Speaker—50.

So the House refused to reconsider.

Mr. Tingley made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution of this House, enquiring into the propriety of abolishing docket fees in criminal cases, have had the same under advisement, and instructed me to report Legislation on that subject inexpedient, and ask to be discharged from the further consideration of said proposition.

Which was concurred in by the House;

And the committee was discharged.

Mr. Tingley made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred the resolution of this House enquiring into the expediency of so amending the Revised Statutes of this State as to require county surveyors to record their surveys annually in the office of the county Recorder, have had the same under consideration, and instructed me to report, that it is inexpedient to legislate on that subject, and request to be discharged from the further consideration thereof.

Which was concurred in by the House;
And the committee was discharged.
Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of the House inquiring what amendments, if any, to the laws of this State, relative to the assessment and collection of taxes, are necessary to insure a more full and prompt payment of State taxes, and to quiet the titles of purchasers of lands sold for delinquent taxes, have had the subject matter under consideration, and instructed me to report legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in by the House.
Mr. Osborn made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the resolution instructing said committee to report a bill repealing the law imposing a five per cent. penalty for failure to pay taxes within the time fixed by law, have had that subject under consideration, and in obedience to said resolution, report the following bill, with the recommendation that the same be indefinitely postponed:

Said committee would respectfully suggest a modification of said law, extending the time when such penalty shall attach, to the 10th of January.

No. 58. A bill in the above report mentioned, to repeal a part of section 56, chapter 12, of Revised Statutes of 1843;‡

Was read a first and second times, the rules being suspended therefor, and referred to the committee of ways and means.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of this House in reference to certain Treasury Notes, have considered the same, and instructed me to report the following bill and recommend its passage.

No. 59. A bill authorizing the State Treasurer to receive certain Treasury Notes, and for other purposes;

Was read a first time, and ordered to a second reading.

On motion by Mr. Handy,
The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Sullivan made the following report:

MR. SPEAKER :

The committee to whom was referred the resolutions of the House, instructing them to inquire into the expediency of so amending the law of evidence, as to prohibit any enquiry into the religious belief of witnesses in the courts of this State, have directed me to report as follows:

No. 60. A bill in the above report mentioned, in relation to the competency or credibility of witnesses in justices' courts;

Was read a first time, and ordered to a second reading.

Mr. Sullivan made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred the resolution of the House, instructing them to enquire into the expediency of so amending the law exempting property from execution, as to confine its provisions to persons having a family, have had the same under consideration, and directed me to report the following bill.

No. 61. A bill in the above report mentioned, exempting property from execution;

Was read a first time, and ordered to a second reading.

Mr. Pomeroy made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution instructing said committee to report to this House a bill reconciling the discrepancy now existing in the Revised Statutes as to the term of office of County Treasurers, have had the same under consideration, and respectfully report the following bill and cheerfully recommend its passage:

No. 62. A bill, in the above report mentioned, defining the terms of office of the several County Treasurers of Indiana;

Was read a first time and ordered to a second reading.

The following message from the Senate was received by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, without amendment, entitled

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes.

The Senate have passed engrossed bills thereof, entitled as follows:

No. 23. An act providing for the re-charter of Hanover College;

No. 24. An act for the relief of Wilson McConnell of Elkhart county;

No. 28. An act to amend an act entitled "an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844;"

No. 29. An act to amend an act authorizing the election of supervisors of roads in Decatur county;

No. 44. An act providing for a special session of the Shelby Circuit Court;

Also, engrossed joint resolutions thereof:

No. 25. A joint resolution relative to postage;

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

In which engrossed bills and joint resolutions, I am directed to ask respectfully, the concurrence of the House of Representatives.

The House took up the message from the Senate.

No. 23. An act providing for the re-charter of Hanover College; Was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

No. 24. An act for the relief of Wilson McConnell of Elkhart county;

Was read a first, second and third times, the rules being suspended, and passed.

No. 28. An act to amend an act entitled "an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844;"

Was read a first, second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 29. An act to amend an act authorizing the election of supervisors of roads in Decatur county;

Was read a first and second times, the rules being suspended therefor, and,

On motion of Mr. Robinson of Decatur,

Was laid on the table.

No. 44. An act providing for a special session of the Shelby Circuit Court;

Was read a first and second times, the rules being suspended, and,

On motion by Mr. Handy,

Referred to a select committee consisting of Messrs. Handy, Robinson of Carroll, and Byers.

No. 25. A joint resolution relative to postage;

Read a first time and passed to a second reading.

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

Read a first and second times, the rules being suspended, and,

On motion by Mr. Wolf,

Was referred to a select committee consisting of Messrs. Wolf, Claypool, and Hodges.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the petition of Harrison Barnett and Benjamin Powell, in relation to a part of the school section in township twenty-eight, range two, in Cass county, have directed me to report the following bill, to which they ask the favorable consideration of this House:

No. 63. A bill for the relief of Harrison Barnett and Benjamin Powell;

Read a first time and passed to a second reading,

Mr. Garrett made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the petition of sundry citizens of congressional township number four, range ten, in Jefferson county, praying the passage of an act authorizing the sale of the sixteenth section of said township, have directed me to report the following bill and recommend its passage:

No. 64. A bill to authorize the sale of school section in township four, range ten, in Jefferson county;

Read a first time and passed to a second reading.

Mr. Simonson, from the committee on the State Prison, reported the following resolution:

Resolved, That his Excellency, the Governor, be requested to lay before the House of Representatives a copy of the report of the examiners of the new State Prison, exhibiting the condition of the work in detail; and also the report of the visitors of the old State Prison;

Which was adopted.

Mr. Bell made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petitions and remonstrances of sundry citizens of the counties of Vanderburgh and Posey, have had the same under consideration, and have instructed

me to report that it is inexpedient to legislate on that subject, and ask to be discharged from a further consideration of the same;

Which was concurred in.

Mr. Claypool, from the committee on corporations, made the following report, to-wit:

MR. SPEAKER:

The committee to whom was referred the petition of Thomas Hall and others of Vigo county, relative to a bridge across the Wabash river at Terre-Haute, as also the accompanying bill, to-wit: "A bill to incorporate the Terre-Haute draw bridge company," have had the subject under consideration, and directed me to report the following bill and ask its passage:

No. 65. A bill to incorporate the Terre-Haute draw bridge company:

Read a first time and passed to a second reading.

Mr. Robinson of Carroll, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Abigail C. Hovey and Lorenzo D. Hovey, praying for relief, and the remonstrance of Austin W. Morris, on the same subject, have had those communications, with the subject therein contained, under consideration and beg leave to report:

That the main and only question of importance presented for the consideration of the committee, is one of immense interest to every parent in Indiana. It appears that the remonstrant, Austin W. Morris, is the guardian of Caroline M. Morris, an infant of the age of nine years, who is the daughter of the petitioner, Abigail C. Hovey. The guardian, by the provisions of our Revised Code, 1843, is entitled to the possession of the person and estate of his ward, and availing himself of this law, the guardian, some time in October last, sued out a writ of *habeas corpus* and forcibly wrested the infant, Caroline M. Morris, from her mother, one of the petitioners, and has the possession of the said child against the wishes both of the child and mother. The object of the petitioners is to modify the law, so that the mother may have the care of her child. It cannot be denied but what the petitioners are as well qualified by nature, habit and education to have the care and education of this child as the present guardian. And the only question presented for the consideration and decision of the House is, whether the child shall remain with her present guardian or be given back to the arms of her mother. Such a separation of daughter and mother is abhorrent alike to the principles of nature and humanity, and your committee cannot but express

the earnest hope that the Legislature may take speedy measures to grant that relief prayed for by the petitioners. Your committee cannot forego this opportunity of pressing upon the serious attention of this House the absolute necessity of some modification of the harsh and inhuman provisions of our laws on the subject of guardian and ward, by which children may be separated from their parents and carried away by selfish guardians to be educated, or, perchance, neglected, as self interest may dictate.

The case under consideration is one of peculiar hardship, and to relieve the petitioners, a majority of your committee herewith report the following bill, and respectfully recommend its passage:

No. 66. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

Read a first time, when

Mr. Robinson of Carroll moved to suspend the rules and read it a second time now.

And the ayes and noes being demanded by Messrs. Robinson of Carroll, and Fuller;

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Boardman, Brecount, Brown, Darrow, Davis, Duzan, Ford, Fry, Fuller, Garrett, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jones of Fountain, Kelley, Lanius, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Osborn, Pettit, Robinson of Carroll, Rose, Rosseau, Shanks, Shively, Simonson, Smith, Snook, Stapp, Sullivan, Tague, Turman, Vandever, Walker, Whight, Wolf, and Wright of Switzerland—52.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Bradley, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Foresman, Grubbs, Hambrick, Hannah, Hazelrigg, Herod, Hinchman, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nutter, Odell, Palmer, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Stophlet, Tingley, Tomlinson, Wills, Wright of Wayne, and Mr. Speaker—40.

So the rules were not suspended;

And the bill was ordered to a second reading.

Mr. Miller, from the minority of the committee to which was referred the petition of Abigail C. Hovey and Lorenzo D. Hovey, and also the remonstrance of Austin W. Morris, made the following report:

MR. SPEAKER:

The undersigned, being a member of the committee to whom was

referred the petition of L. D. Hovey and remonstrance of A. W. Morris, begs leave to submit the following counter report:

Assuming that the Legislature can rightfully create an authority over the subject, the first duty of the committee would be, in the opinion of the undersigned, to ascertain the facts involved in the controversy. An issue is joined between the two parties. A question of right is to be determined. It would be an extraordinary anomaly in our judicial history, if a judge or jury were to pronounce a judgment, or find a verdict in a disputed matter, in the absence of all knowledge respecting the facts in controversy. The undersigned expected that an investigation would be had by the committee and its results reported to this House for its deliberation and action. He called upon the chairman of the committee to learn when the committee would meet. To his surprise he was informed by the chairman of the committee that he had prepared a report and was ready to submit it to the House. The committee has had no meeting, or at least the undersigned has not been notified to attend its sittings. The undersigned has no *data* upon which he can form an opinion as to the action which this House should adopt. He does not believe that Mr. Morris, whose rights are to be effected by the action of this House, has been notified or permitted to appear before the committee. The undersigned solemnly protests against the action of the committee. It is, in his opinion, unprecedented and flagrantly unjust. To decide without notice, to condemn without hearing, is repugnant to the principles of reason, law and justice, and involves the exercise of power not vested in our tribunals and unknown to the constitution of the country.

The undersigned begs to submit his views to the House upon another question which is necessarily involved in the determination of the matter referred to the committee.

The second article of the constitution of Indiana divides the powers of government into three distinct departments; confides each of them to a separate body of majesty, to-wit: Those which are legislative to one, those which are executive to another, and those which are judiciary to another. In the article will be found the following explicit and peremptory language: "No person or collection of persons being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."

It will not be disputed that the guardianship of minors is given to the courts of justice, and forms a conspicuous branch of their jurisdiction. The appointment and removal of guardians is a judicial act, and is one of a delicate and highly important character, and the person assuming it is required by law to take an oath and give bond for the faithful discharge of his duty. His authority extends as well to the custody and tuition of the child as to the management of its property. Until the minor shall have attained the age of twenty-one years, or the guardian be removed according to law, our statute

makes ample provision to secure the fidelity of the guardian, and invests the courts with power to remove him for good cause shown. Notice, however, must be given to the guardian. If the Legislature had the right to investigate this matter and wrest the child from the custody of its legally appointed guardian, would it be wise in them to do so? The undersigned thinks not. He regards the courts as the appropriate place for the adjustment of all such questions, and no one can foresee the evil consequences that would result from the Legislature attempting to exercise an authority over private rights that are litigated between parties.

However great the inconveniences, the undersigned regards the exercise of such a power as palpably unconstitutional. The Legislature in doing so, must invade the province confined exclusively to the judiciary. The right of Mr. Morris to the custody of the minor results from the trust conferred by law, and the Legislature has, in the opinion of the undersigned, no better authority to impair that right, than it has to decide a question between two citizens respecting a disputed title to lands or the validity of a promissory note.

In conclusion, the undersigned would say, the facts stated in the remonstrance of Mr. Morris stand uncontradicted; and he believes, from the unwillingness of the chairman to investigate the case, that they are true. He has seen the child in question at its grandfather's where it appears to be well provided for, well clothed and cheerful, and therefore, he candidly conceives the "*inhumanity, and outrage, and tyranny,*" so unsparingly heaped upon Mr. Morris, would be committed upon the child by taking it away from such a home where it costs her nothing, to the home of Mr. Hovey to be charged, as it has been, for its support.

He is authorized by Mr. Morris to say, that if the Legislature will pass an act to that effect, he will enter into bond to maintain and educate the child for the next six years gratuitously; and that if Mr. Hovey will enter into a like obligation that he will board, clothe and send to school the child for the next six years, free of all costs to it, that he may have the child.

This proposition, the undersigned thinks, should be conclusive as to the sincerity of the friendship of the parties to the child.

Respectfully submitted,

WILLIAM MILLER.

Mr. Pettit made the following report:

MR. SPEAKER:

The select committee, to which was referred the resolution of this House, instructing an inquiry into the provisions necessary for reinstating the records of the Circuit and Probate Courts, and of the Recorder's office, of the county of Miami, and the files of papers of each of said Courts, destroyed by fire, March 16, 1843, have consid-

ered the same and instructed me to report the accompanying bill, and recommend to the House its early passage:

No. 67. A bill for the restoration of the burned records of Miami county;

Which was read a first and second times, the rules being suspended therefor, and,

On motion by Mr. Conner,

Referred to the committee on the judiciary.

Mr. Stapp made the following report:

MR. SPEAKER:

The select committee, to whom was referred a bill of the Senate, No. 7, to extend the time of holding probate courts in the counties of Washington, Ripley and Jefferson, have had the same under consideration, and directed me to report the same with one amendment, and ask the concurrence of this House.

The report was concurred in—the bill considered as engrossed—the rules suspended, and the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson of Carroll, made the following report from a select committee:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of the town of Pittsburg, in Carroll county, praying that a certain alley may be vacated, have had that subject under consideration, and have directed me to report the following bill on that subject, and respectfully ask its passage.

No. 68. A bill to vacate an alley in the town of Pittsburg, in Carroll county;

Was read a first time, and passed to a second reading.

Mr. Conduit made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Ann Matthews praying for relief, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 69. A bill for the relief of Ann Matthews;

Read a first time, and passed to a second reading.

Mr. Huey made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of William Jones and Harvey Hoover and others of the counties of Adams and Jay, have had that matter under consideration, and have directed me to report the accompanying bill and recommend its passage.

No. 70. A bill to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

Read a first time, and ordered to a second reading.

Mr. Wright of Wayne offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law as it respects the collection of debts, that suits may be commenced in the township where the debt was contracted or where the defendant may be found.

And the ayes and noes being demanded by Messrs. Hodges and Gregory,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Boardman, Brown, Claypool, Grubbs, Huestis, Howard, Huckaby, Legg, Leslie, Lewis of Wayne, Osborn, Pettit, Rich, Robinson of Carroll, Simonson, Stapp, Sullivan, Tingley, Tomlinson, Walker, and Wright of Wayne—23.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Bradley, Brecount, Bruce, Byers, Conduit, Conner, Cowen, Davis, Duzan, Foresman, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Lanius, Lewis of Dearborn, Little, McAllister, McClure of Knox, McClure of Switzerland, McGauhey, Manville, Montgomery, Mooney, Nimmon, Nutter, Palmer, Parker, Pomeroy, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Stophlet, Tague, Turman, Vandever, Wills, Whight, Wolf, Wright of Switzerland, and Mr. Speaker—66.

So the resolution was not adopted.

On motion by Mr. Hambrick,

Resolved, That the Auditor of Public Accounts report to this House at as early a day as practicable, what amount of revenue has been settled for each year, with each of the several collectors, at each annual settlement, since the year eighteen hundred and forty, under the law of five per cent. penalty for non-payment of taxes on or before the first day of December.

Mr. Colms offered the following resolution:

Resolved, That the committee on education enquire into the expediency of amending so much of the revised code, relative to the collection and disbursement of the school funds, so that no part of said fund shall be applied to the payment of officers, and to report by bill or otherwise.

Which was not adopted.

On motion by Mr. McGauhey,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the school law, as to authorize congressional township clerks to administer all oaths required by law in the management of schools or school funds in their respective townships.

On motion by Mr. Hambrick,

Resolved, That the Agent of State be required to communicate to this House, at his earliest convenience, a detailed statement of his travelling expenses, clerk's hire, lawyers fees, (if any,) with the aggregate amount for all purposes charged against the State for such agency during the past year.

Mr. Rose offered the following resolution:

Resolved, That the use of this Hall be tendered to M. R. Hull, Esq., to deliver an anti-slavery and anti-native American lecture at early candle-lighting this evening.

Which was not adopted.

On motion by Mr. Hinchman,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the 10th section of article 5th of chapter 16 of the Revised Statutes of 1843, so as to require each person to work or pay his road tax upon real estate in the road district in which said real estate is situated.

On motion by Mr. Stophlet,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of reducing the tolls on pirogues and canoes, on the Wabash and Erie canal, with instructions to report by bill or otherwise.

On motion by Mr. Vandever,

The House adjourned.

FRIDAY MORNING, DECEMBER 13, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from his Ex-

cellency, the Governor, in reply to a resolution of this House, requesting him to transmit thereto a copy of the letter received by him from Boston, enclosing a memorial from sundry of our bondholders in London, and his answer thereto.

Which, on motion by Mr. Tingley,

Was laid on the table, and three hundred copies ordered to be printed.

The Speaker also laid before the House a report of the General Superintendent of the Wabash and Erie Canal below Lafayette ;

On motion by Mr. Bradley,

It was laid on the table, and five hundred copies ordered to be printed.

Mr. Simonson moved to take from the files of the last session a communication from sundry of our bondholders, and refer it to the committee on ways and means ;

Which prevailed.

Mr. Robinson of Carroll presented a petition of sundry citizens of Carroll county, on the subject of Canal land certificates, which have not been acknowledged according to law ;

Which was referred to the committee on canals and internal improvements.

Mr. Robinson of Carroll presented the petition of Jacob Klepser, praying for a divorce ;

Which was referred to the committee on the judiciary.

Mr. Pomeroy presented the petition of sundry citizens of Marshall and Kosciusko counties, praying for an act locating a road ;

Referred to committee on roads.

Mr. Conduit presented a petition of Cornelius Ferree, praying for relief ;

Which was referred to a select committee of Messrs. Conduit, Gregory, and Leslie.

Mr. Huey presented a petition of Benjamin Boone and others, praying for the privilege of building a mill dam across the Wabash river ;

Which was referred to a select committee of Messrs. Huey, Gregory, and Little.

Mr. Stapp moved to suspend the order of business, for the purpose of introducing a resolution ; when,

Messrs. Whight and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Mooney, Nim-

mon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Palmer, Pettit, Rose, Shanks, Shiveley, Simonson, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—40.

So the order of business was not suspended.

Mr. Bradley moved that the Clerk of this House be directed to respectfully ask the Senate to return to this House, the message containing the resolution of the House, fixing the time of adjournment of the General Assembly on the 13th January next.

After considerable discussion,

Mr. Bradley called the previous question,

Which was seconded by the House ;

And the question then being,

Shall the main question be now put ?

Was decided in the affirmative.

The question then recurring on the adoption of the motion,

And the ayes and noes being called by Messrs. Simonson and Whight,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Whight, Wolf, Wright of Wayne, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Mont-

gomery, Palmer, Pettit, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, and Wright of Switzerland—40.

So the motion was adopted.

On motion by Mr. Robinson of Decatur,

The rules were suspended for the purpose of taking up

No. 3. A bill providing for the election of a Senator in the Congress of the United States ;

Which was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Simonson moved that the Clerk be directed to withhold from the Senate, the request of the House to return the resolution, fixing the day for adjournment sine die on the 13th of January, 1845 ;

When, the ayes and noes being called by Messrs. Simonson and Bradley,

Those who voted in the affirmative are,

Messrs. Brown, Byers, Cowen, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Palmer, Pettit, Rose, Shanks, Shiveley, Simonson, Snook, Tague, Walker, and Whight—34.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Darrow, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Helwig, Hinchman, Herod, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Vandever, Wills, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—60.

So the motion did not prevail.

Mr. Whight moved to reconsider the vote taken on the motion of Mr. Bradley, that the Clerk request the Senate to return the resolution, fixing the day of adjournment sine die ; when,

The ayes and noes were demanded by Messrs. Whight and Handy.

Those who voted in the affirmative are,

Messrs. Byers, Cowen, Darrow, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Heustis, Hill, Hoggatt, Howard, Huey, Kelly, Lanius, Lewis of Dearborn, McAllister, Manville, Montgom-

ery, Palmer, Rose, Simonson, Snook, Vandever, Walker, and Whight—28.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Helwig, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Shiveley, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—64.

So the House refused to reconsider.

Mr. Robinson of Decatur made the following report :

MR. SPEAKER :

The committee on elections to whom was referred a resolution of this House instructing them to inquire whether the oath prescribed by the 36th section of the 5th chapter of the 4th article of the Revised Statutes of 1843, cannot be so amended as to insure greater security against illegal voting, have, according to order, had the same under examination, and have directed me to report the following bill.

No. 71. A bill, in the above report mentioned, to afford general security against illegal voting ;

Was read a first time, and ordered to a second reading.

Mr. Miller made the following report:

MR. SPEAKER :

The committee on elections to whom was referred a resolution of the House, instructing said committee to report a bill confining voters to the townships in which they respectively reside, have, according to order, had the subject under consideration, and instructed me to report the accompanying bill.

No. 72. A bill to confine voters to their respective townships ;

Was read a first time, and ordered to a second reading.

Mr. Bell made the following report:

MR. SPEAKER :

The committee on roads, to which was referred the petition of

Gustavus A. Rose, of Laporte county, have had that matter under consideration, and directed me to report the following bill, and recommend its passage.

No. 73. A bill, in the above report mentioned, authorizing G. A. Rose to file his petition before the county board :

Was read a first time, and ordered to a second reading.

Mr. Hoggatt made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition for the relief of the heirs of Jonathan Hostetter, deceased, beg leave to report the following bill for the consideration of the House.

No. 74. A bill, in the above report mentioned, to authorize J. Hostetter to sell and convey certain real estate ;

Was read a first time, and ordered to a second reading.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred a resolution inquiring into the expediency of a law extending the time allowed to County Auditors for making out an annual list of road hands, have had the same under consideration, and directed me to report the following bill.

No. 75. A bill, in the above report mentioned, to extend the time allowed to County Auditors for making out the annual road tax list ;

Was read a first time, and ordered to a second reading.

Mr. Claypool made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred a bill of the Senate No. 23, "providing for the re-charter of Hanover College," have examined the bill, and directed me to report it to the House without amendment, and recommend its passage.

No. 23. Senate bill, in the above report mentioned, providing for the re-charter of Hanover College ;

Was read a third time.

Mr. Smith moved to re-commit to the committee on corporations, with instructions to strike out two-thirds and insert a majority in lieu thereof; when,

Messrs. Smith and Byers demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Byers, Davis, Endicott, Handy, Hannah, Hauser, Helwig, Hoggatt, Jamison, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, Montgomery, Robinson of Carroll, Rose, Smith, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—22.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conduit, Cowen, Darrow, Ford, Foresman, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hardin, Hazelrigg, Herod, Heustis, Hill, Hinchman, Hodges, Hostetter, Howard, Huckaby, Huey, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Miller, Mooney, Nimmon, Nutter, Osborn, Palmer, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shanks, Shelby, Shively, Simonson, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—70.

So the motion did not prevail.

The bill was then passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Claypool made the following report:

MR. SPEAKER :

The committee on corporations, to whom was referred a bill of the House, No. 10, a bill to amend an act entitled an act to incorporate the Porter county manufacturing company, approved January 13, 1844, have had the subject under consideration, and directed the bill reported to the House without amendment, and recommend its passage.

The question being, shall

No. 10. A bill in the above report mentioned, to amend an act entitled an act to incorporate the Porter county Manufacturing Company, approved January 13, 1844, be engrossed,

Messrs. Palmer and Robinson of Carroll demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Manville, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Simonson, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Huestis, Hill, Hoggatt, Howard, Huey, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Switzerland, Montgomery, Mooney, Palmer, Robinson of Carroll, Rose, Shanks, Shively, Smith, Snook, Tague, Vandever, and Walker—35.

So the bill was engrossed for a third reading.

Mr. Handy made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill No. 44, providing for a special term of the Shelby circuit court, have had that subject under consideration, and have directed me to report it back to the House without amendment, and recommend its passage.

No. 44. A bill in the above report mentioned, providing for a special term of the Shelby circuit court ;

Was engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Heustis made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of John Condale praying the change of the name of Susanah Poe to Susanah Condale, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 76. A bill to change the name of Susanah Poe to Susanah Condale ;

Was read a first time, and ordered to a second reading.

Mr. Wolf made the following report :

MR. SPEAKER :

The select committee, to whom was referred joint resolution of the Senate, No. 37, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

No. 37. A joint resolution in the above report mentioned, on the subject of Robert Downey's improved method of manufacturing leather;

Was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs made the following report :

MR. SPEAKER :

The joint committee on enrolled bills report, that they did, on the thirteenth of December, present to his Excellency, the Governor, for his approbation and signature, an enrolled bill of the House of Representatives, entitled,

An act to repeal an act to limit the trustees of Evansville to a certain tax.

Mr. Grubbs made the following report :

MR. SPEAKER :

The joint committee on enrolled bills did, on the twelfth instant, present to his Excellency, the Governor, for his approbation and signature, an enrolled bill of the House of Representatives, entitled,

An act providing for a special term of the Cass circuit court.

Mr. Stapp offered the following resolution :

Resolved, That the doorkeeper be and he is hereby authorized to give the use of this Hall to any one who may apply for the same, for the purpose of preaching, or delivering theological lectures; *Provided*, that the same shall not be so used, in any way, to interfere with the business of the House, or to interrupt its preparation by the doorkeeper for the use of the House; and *provided*, also, that when there are more applications than one for the same time, the doorkeeper shall so arrange the matter as to do justice to all.

Mr. Handy moved to lay the resolution on the table;

When the ayes and noes were demanded by Messrs. Bradley and Handy.

Those who voted in the affirmative are,

Messrs. Barclay, Brown, Bruce, Byers, Claypool, Conner, Cowen, Gregory, Handy, Hannah, Hardin, Hauser, Heustis, Hill, Hinchman,

Howard, Jamison, Legg, Lewis of Dearborn, McClure of Scott, McGauhey, Montgomery, Nutter, Robinson of Carroll, Rose, Shanks, Shelby, Shiveley, Simonson, Stophlet, Vandever, Walker, Wills, and Whight—34.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Boardman, Bradley, Brecount, Colms, Conduit, Darrow, Davis, Duzan, Ford, Foresman, Fuller, Garrett, Grubbs, Hambrick, Hazelrigg, Helwig, Herod, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jones of Vigo, Kelley, Kerr, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, Manville, Mooney, Nimmon, Odell, Palmer, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rosseau, Smith, Snook, Stapp, Sullivan, Tague, Tingley, Tomlinson, Turman, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—55.

So the motion was lost.

Mr. Palmer moved so to amend, as to extend to all subjects upon the science of government, and Native Americanism in particular.

Which did not prevail.

The question was then taken on the adoption of the resolution ; And decided in the affirmative.

On motion by Mr. Vandever,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing by law, that persons who have purchased any of the saline lands that have become forfeited to the State, or may hereafter become forfeited, that such person or persons may relinquish a part of said lands upon the same principles as provided for relinquishments by the general Government, with leave to report by bill or otherwise.

On motion by Mr. Hambrick,

Resolved, That a select committee be appointed to enquire into the expediency of so amending the law respecting the publication of the delinquent list, that the county auditor, in contracting for the publication of said list, be restricted to the sum of seventy-five dollars.

Messrs. Hambrick, Miller, and Shanks were appointed said committee.

On motion by Mr. Conner,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road law, as to allow supervisors until the first day of October to work the roads, instead of the first day of July as is now provided.

On motion by Mr. Wills,

Resolved, That a select committee be appointed to enquire into the expediency of abolishing the office of County Auditor in the county of Putnam, and report by bill or otherwise.

Whereupon the Speaker appointed Messrs. Wills, Hambrick, and Colms said committee.

On motion by Mr. Palmer,

Resolved, That the committee on Education be instructed to enquire into the expediency of so amending the 73d section of the 4th article of the 15th chapter of the Revised Code, as to give to all white male residents who are householders, the right to vote at the meetings of the inhabitants of school districts wherein they reside, and report by bill or otherwise.

On motion by Mr. Robinson of Decatur,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the 478th section of the 14th article of the 40th chapter of the Revised Statutes, so that an execution can issue to any county in the State, on decrees and judgments of any circuit or probate court, without first making and filing the affidavit now required by said section.

Mr. Hodges introduced, (the rules of the House having been suspended therefor,)

No. 77. A bill to amend an act providing for the loaning of the school fund of Vigo county;

Which was read a first time, and passed to a second reading.

On motion by Mr. Pettit,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 36th section of the 7th chapter of the Revised Statutes, imposing penalties upon the board doing county business for any neglect or omission of duty, that the penalty shall be graduated according to the importance of the neglect or omission: and that they further enquire into the propriety of wholly abolishing the penalty of said section and making the members of said board individually liable for any damages sustained through their official neglect and omission.

Mr. McAllister, leave being granted by the House, introduced

No. 78. A bill for the relief of Daniel Wise;

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee, consisting of Messrs. McAllister, Heustis, and Whight.

On motion by Mr. Whight,

Resolved, That the Auditor of Public Accounts be requested to report to this House, whether he so construes the 18th section of an act entitled an "act to value the property of this State," approved February 12, 1841, that the county boards of equalization, at their annual June session, have the power, according to the above named act, to reduce the aggregate valuation of the real property of their respective counties, as valued by the county appraiser, and returned to the special county board of equalization, provided for by the 13th section of the same act.

Resolved, further, That the Auditor be requested also to report whether the county boards of equalization of any of the counties of the State have reduced the aggregate value of real property in their

respective counties as returned by the county appraisers to the special county board of equalization held in the fall of the year 1841.

On motion by Mr. Whight,

The following resolution was taken from the table.

Resolved, That the judiciary committee be instructed to report a bill to this House, allowing a premium on wolf scalps and sheep killing dogs;

The question being upon the following amendment, proposed by Mr. Robinson of Decatur, by adding "to be paid out of the county treasury of the county wherein said wolf or wolves shall be taken;"

Said amendment was adopted.

Mr. Parker moved to amend the amendment by inserting immediately after the words "wolf" or "wolves," the words "dog" or "dogs;"

Which was not adopted.

Mr. Garrett moved to amend by inserting in the proper place, that no man shall have pay for the scalp of his own dog.

Which was not adopted.

Mr. Bradley moved to reconsider the vote on inserting after the word "wolves," the words "sheep killing dogs;"

Which motion prevailed.

The question then recurring on the adoption of the pending amendment, it was decided in the negative.

The resolution, as amended, was then adopted.

On motion by Mr. Hill,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reporting a bill providing for the extension of the time of payment to all persons indebted to the Sinking Fund, or other funds loaned by the State to her citizens whose time will have expired.

Mr. Smith, on leave granted, introduced

No. 79. A joint resolution to re-locate the seat of the American Empire on the highest peak of the Rocky mountains:

Which was read a first time, and ordered to a second reading.

The following message was received from the Senate by Mr. Otto, their Secretary.

MR. SPEAKER:

The Senate have passed a preamble and resolutions in the following words:

WHEREAS, the Honorable Ratliff Boon, an honored and faithful public servant of the people of Indiana for many years, and formerly a distinguished member and presiding officer of the Senate, has departed this life; therefore,

Resolved, unanimously, That the Senate have heard with deep regret the melancholy intelligence, of the death of the Honorable Ratliff Boon.

Resolved, unanimously, That the Senate entertained the highest respect for the memory of the Honorable Ratliff Boon, and will cherish an enduring recollection of his abilities, patriotism and eminent public services.

Resolved, unanimously, That the Senate tender the assurances of their cordial sympathy to the family of the deceased in the irreparable loss they have sustained by his lamented death.

Resolved, unanimously, That the Secretary notify the House of Representatives of the adoption of these resolutions, and that the President be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved, unanimously, That the Senate, in token of their respect to the memory of the Hon. Ratliff Boon, do now adjourn.

On motion by Mr. Vandever,
The House took up the message from the Senate.

When, on motion by Mr. Tingley,
The following resolutions were unanimously adopted.

Resolved, unanimously, That this House has heard with deep regret, the decease of the Honorable Ratliff Boon, formerly a distinguished public servant of the people of Indiana, and that we cherish with fondness his amiable traits of character as well as his eminent services rendered to Indiana in the days of her infancy.

Resolved, unanimously, That we deplore the calamity that an all wise Providence, has, in his wisdom, visited upon the family and kindred of the Honorable Ratliff Boon, in removing him from among kindred and friends, and we sympathize with them in their irreparable loss.

Resolved, unanimously, That the Clerk notify the Senate of the adoption of these resolutions, and that the Speaker cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved, unanimously, That the House in token of their respect for the memory of the Honorable Ratliff Boon, do now adjourn.

So the House adjourned.

SATURDAY MORNING, DECEMBER 14, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from the Treasurer of State:

TREASURER'S OFFICE, }
 Indianapolis, Dec. 13, 1844. }

HON. A. C. STEVENSON, *Speaker of*
the House of Representatives:

I have received a copy of the resolution of the House passed, on motion of Mr. Colms, requiring the Treasurer of State "to report to the House at the earliest day practicable, by what authority he paid to the Branch Bank of Indiana at Michigan City, in contracting a loan with said Bank, authorized by a law of the last session of the Legislature, a premium of two per cent. on the sum of forty thousand dollars obtained from said Branch Bank in a draft on the City Bank of New York."

In answer to this resolution, I beg leave to state, that in procuring the loan of \$40,000 from the Michigan City Branch Bank, and in settling the terms of that loan, including the premium paid for draft on New York, I endeavored to be governed by, and bring the negotiation within, the terms of the act of the last session of the Legislature, (page 45, chapter 20,) together with such construction and implications, as appeared absolutely necessary to carry out the will of the Legislature. If this act, with such necessary construction and implications, gave no authority for the negotiation with all its terms, then it may be justly said that the loan was without authority.

With this reference to my only authority, the law and my report being before you, it may be deemed superfluous for me to add hereto.

But I beg leave further to state, that by reference to the law, it will be seen that much is left to construction and to be implied; that some of its provisions are vague. The latter clause of the first section may be so considered. It will be seen that nothing is said in the law in relation to the interest, whether it should be paid in advance for the whole term, or yearly, semi-annually, or quarterly, or at the end of the term.

No provision is made by law respecting the disposal of the notes pledged, or their redemption, or the liability of the Bank in reference thereto. These and many other stipulations in the loan contract, all of which were found requisite, some to procure a loan and others prudent and necessary on behalf of the State, were considered as pertaining to the authority and duty of the Treasurer, and necessarily implied in the law, otherwise it would have been nugatory, and an entire and long continued suspension of payments at the Treasury must have been the result.

It was much regretted that the responsible task of supplying the Treasury under a law so indefinite and by means which could be supplied or withheld at option, and by persons entirely without the control of State authority, should have devolved on an individual officer of the State. It was the more regretted by me, as in nego-

tiating these Bank loans generally, my private financial views had to be entirely discarded, being firmly impressed with the opinion, that it is bad policy to be running up a new debt against the State, especially in this burdensome form; that it is grasping at present ease for the Treasury and its claimants in a manner calculated to throw the burthens of taxation, *present and future*, in its heaviest form, upon the people, and that it could be avoided without much inconvenience to any.

The state of the Treasury at the time this negotiation was effected, and the fact that two successive applications to each of the branches of the State Bank had been rejected, and also that the premium mentioned in the resolution was a part of the terms of the loan, and that it could not be otherwise obtained, nor in other funds, are shown in my annual report.

One of the strongest inducements on the part of the State to make the loan, was the anxious solicitude and importunity of State creditors, who could obtain nothing from the Treasury, and were, many of them, compelled from necessity to sacrifice their claims at a discount of fifteen to twenty per cent. These creditors, as far as they came within reach of consultation, proposed to bear whatever loss they might be subjected to on account of this premium, to their respective claims.

The funds thus obtained, were disbursed in a manner so as to save the State from the loss of the premium, by charging it to the creditors. It was found impracticable, however, thus to save the entire amount, as

The sum paid the Bank, was	-	-	-	-	-	\$690 00
And that received from creditors, was	-	-	-	-	-	635 33
						<hr/>
Leaving chargeable to the State,	-	-	-	-	-	<u>\$54 67</u>

The reason why the entire amount of premium could not be consistently made, is, that a very great variety of small claims (say under ten dollars,) had to be paid at the Treasury, in which cases it would appear unreasonable to give an eastern draft, and were therefore paid in cash at the loss of the premium. The postages of the State, and some claims for cash advances, were paid in the same way—a loss of \$54 67 on premium, being thereby charged to the State.

It will thus be seen that the State was reduced to the alternative of having no funds, not even to pay postage on necessary communications, or to procure a loan on the terms stipulated by the Bank: and again, that the Treasurer was reduced to the alternative of deciding whether the premium should be lost by the State, or perhaps by the Treasurer personally, or whether it should be made up by the creditors. The latter plan was chosen and carried through, with the small necessary exception above stated.

My strong objections to the terms, as well as the general policy of the loan, did not suffer me to close the negotiation hastily, nor without due consideration; but I had recourse to the advice not only of all of the executive officers of the State, (whose opinions I have in a tangible form,) but to that of several others without distinction of party, well recognised as gentlemen of experience and financial knowledge.

As the terms of the resolution indicate that I have not been sufficiently explicit in my report, to give a full understanding of the transaction, or possibly that the view may be entertained that it is censurable, I have presumed, on the indulgence of the House in making these explanations, and for other particulars refer to my annual report.

Most respectfully,

Your obedient servant,

R. MAYHEW.

Mr. Bell moved to refer it to the committee of ways and means;
Which was adopted.

Mr. Bell also moved that 500 copies be ordered to be printed;
Which did not prevail.

The Speaker laid before the House a communication from the Auditor of State, in reply to a resolution of the House, calling for information respecting the "five per cent. penalty, for the non-payment of taxes, on or before the 1st day of December;"

Which was laid on the table, and one hundred copies ordered to be printed.

Mr. Garrett presented the petition of William Walden, praying for relief;

Which was referred to the committee on canals and internal improvements.

Mr. Lewis of Dearborn, presented a petition of sundry citizens of Dearborn county, praying for relief to persons therein named;

Which was referred to the committee on the judiciary.

Mr. Colms presented a remonstrance of Samuel Smith and others, remonstrating against the locating a certain road therein named;

Which was referred to the committee on canals and internal improvements.

Mr. Walker presented a petition of the Board of County Commissioners of Vanderburg county, praying the passage of an act authorizing the county Auditor to call said board together whenever he may think the interest of the county demands it;

Which was referred to a select committee of Messrs. Walker, Fuller and Montgomery.

Mr. Hoggatt presented a petition of M. A. Malott and others, praying for an amendment of the 98th, 99th, 100th, 101st, 102d, and 103d sections of chapter 13th, of the Revised Statutes;

Which was referred to a select committee of Messrs. Hoggatt, Osborn and Pettit.

Mr. Stophlet presented a remonstrance of William Grayless and others, remonstrating against a change in a road therein mentioned; Which was referred to the committee on roads.

Mr. Colms presented a communication from C. W. Hughes, on the subject of a road;

Which was referred to the committee on roads.

Mr. Jones of Fountain, presented the petition of Alexander McClelland, praying for relief;

Which was referred to the committee on canals and internal improvements.

Mr. Smith made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred the petition of certain citizens of Jefferson county, relative to the corrections of errors in the assessment of property in said county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 80. A bill, in the above report, for the correction of errors in Jefferson county;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Robinson of Carroll made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred so much of the Governor's message as relates to the transfer of jurisdiction and presentment of minor offences from the circuit courts to the justices' courts, and also two resolutions of the House on the same subject, instructing your committee to enquire into this subject, have had it under consideration, and have directed me to report the following bill upon that subject, and respectfully recommend its passage:

No. 81. A bill, in the above report mentioned, to diminish the costs and expenses of defendants in suits at law;

Was read a first time and ordered to a second reading.

Mr. Pomeroy made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution instructing said committee to enquire into the expediency of reporting a bill making a further provision in the law for the disposition of all lands delinquent for the non-payment of taxes, which were offered for sale on the first Monday of January, 1844, and not

sold for want of bidders, have had the same under consideration, and upon a careful and close examination of the laws now in force, find it inexpedient to further legislate upon said matter during the present session of the General Assembly, and that the matter will be proper for future legislation; and ask to be discharged from a further consideration of the matters contained in said resolution.

Which was concurred in by the House.

Mr. Tingley made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution of the House, requiring them to enquire into the expediency of equalizing the interest on the school funds of the State, have had the same under consideration, and directed me to report legislation on that subject unnecessary, and ask to be discharged from the further consideration thereof.

Which was concurred in ;

And the committee discharged from further consideration of the subject.

Mr. Tingley made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred the petition of Stephen Ludlow, have had the same under advisement, and ordered me to report the accompanying bill, and recommend its passage.

No. 82. A bill, giving further time to the Lawrenceburgh and Indianapolis railroad company to close its affairs ;

Was read a first time, and ordered to a second reading.

Mr. Osborn made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution instructing said committee to enquire into the expediency of amending section 429 of chapter 40, of the Revised Statutes of 1843, have considered that matter, and directed me to report the following bill and recommend its passage ; and said committee respectfully ask to be discharged from the further consideration thereof.

No. 83. A bill, in the above report to repeal section 429, chapter 40, of revised statutes of 1843, &c. ;

Which was read a first time, and ordered to a second reading.

Mr. Osborn made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of Catharine Ruble, asking for a law authorizing her to unite with her husband in deeding certain real estate, have considered that subject, and have instructed me to report it inexpedient to legislate thereon; the revised statutes making ample provision for that purpose; and said committee ask to be discharged from the further consideration thereof.

Which was concurred in by the House.

Mr. Anthony made the following report :

MR. SPEAKER :

The committee on education, to whom was referred resolution of the House relative to the amendment of the law fixing the fees of county treasurers for their services in the management of the several trust funds and particularly the county seminary fund, have had that subject under consideration, and now report the annexed bill, entitled an act to regulate the fees of county treasurers for receiving and expending the county seminary fund, and recommend its passage.

No. S4. A bill to regulate the fees of county treasurers for receiving and expending the county seminary funds;

Was read a first time, and ordered to a second reading.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petition of Charles Perine and others, to vacate a State road therein named, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. S5. A bill to vacate a State road therein named ;

Was read a first time, and ordered to a second reading.

Mr. McAllister made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill No. 78, for the relief of Daniel Wise, have had the same under consideration, and have directed me to report it back to the House, and recommend its passage.

The rules being suspended therefor,
 The bill was read a third time and passed.
Ordered, That the Clerk inform the Senate thereof.
 Mr. Rose made the following report :

MR. SPEAKER :

The select committee, to whom was referred bill of the House No. 2, providing for the loaning of the school funds of Clay county, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments; the adoption of which is respectfully recommended.

1st. Amend the title by inserting after the word "Clay," the words "*and Posey.*"

2nd. Amend section 6, by inserting immediately after the word "organize," the words, "*or whose treasurer has failed or neglected to receive the same from him.*"

3rd. Amend section 9, so that it shall read as follows: This act shall take effect and be in force from and after an official copy thereof shall have been filed in the offices of the Clerks of the circuit courts of Clay and Posey counties respectively.

4th. Amend, so that the provisions of the bill shall in its terms extend to the officers of both counties.

The report was concurred in, the amendments adopted, and

No. 2. A bill, mentioned in the above report,

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Huey made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the county of Adams, praying for the privilege of erecting a mill dam across the Wabash river, to be granted to George French, have had that subject under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. S6. A bill to authorize George French to construct a dam across the Wabash river ;

Was read a first time, and ordered to a second reading.

Mr. Wills made the following report :

MR. SPEAKER :

The committee, to whom was referred a resolution appointing a committee to inquire into the expediency of abolishing the office of

county auditor of Putnam county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 87. A bill abolishing the office of county auditor in the county of Putnam;

Was read a first and second times, and ordered to be engrossed for a third reading.

On motion by Mr. Robinson of Decatur,

The order of business was suspended, and the orders of the day taken up.

No. 12. A bill for the incorporation of the Philadelphia Industrial Society of St. Joseph county, Indiana;

Was read for information.

The question being on the instructions to the committee to insert a clause reserving the right to the General Assembly of repealing the charter whenever the company have violated the same,

The instructions were adopted.

Mr. Huckaby moved to reconsider the vote taken on the instructions to insert a clause rendering the stockholders individually liable for the debts of the association.

Mr. Vandever moved to adjourn until Monday morning at 9 o'clock, A. M.,

Which did not prevail.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met;

And resumed the consideration of the motion to reconsider the vote above mentioned.

After considerable discussion,

Mr. Smith called the previous question, which was seconded by the House;

And the question,

"Shall the main question be now put?"

Was decided in the affirmative.

The question then recurring on the motion to reconsider,

Messrs. Gregory and Simonson demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Ford, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby,

Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Brecount, Brown, Byers, Cowen, Davis, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Vandever, Walker, Whight, and Wright of Switzerland—37.

So the vote was reconsidered.

The question was then taken on the adoption of the instructions.

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Brecount, Brown, Byers, Conduit, Cowen, Davis, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Vandever, Walker, Whight, and Wright of Switzerland—38.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—52.

So the instructions were lost.

No. 13. A bill, supplementary to an act entitled an act to change a State road in Sullivan county ;

Was taken up, read a second time, and referred to a select committee of Messrs. Turman, Jones of Vigo, and Jamison.

A remonstrance was taken from the table on the same subject, and referred to the same committee.

On motion,

The House adjourned.

MONDAY MORNING, DECEMBER 16, 1844.

The House met pursuant to adjournment.

Mr. Herod, on leave granted, introduced

No. 88. A bill to amend an act entitled an act to incorporate the town of Columbus in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Herod also introduced

No. 89. A bill to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes;

Which was read a first time, and ordered to a second reading.

Mr. Garrett presented the petition of L. H. Scott, praying for relief;

Which was referred to a select committee of Messrs. Garrett, Grubbs and Stapp.

Mr. Handy presented a petition of sundry citizens of Shelby county, praying a re-valuation of a certain School section;

Which was referred to the committee on education.

Mr. Stapp presented the petition of the representatives of the estate of Richardson Terrill, deceased, praying for relief;

Which was referred to the committee on the judiciary.

Mr. Peek presented a petition of William Williams and others, praying for the appointment of commissioners to run a certain part of the Harrisonville and Paoli State road;

Which was referred to a select committee of Messrs. Peek, Blake-more, and Wright of Switzerland.

Mr. Stophlet presented a petition of sundry citizens of Adams county, praying for the appointment of two or more persons to locate a certain turnpike road;

Which was referred to a select committee consisting of Messrs. Stophlet, Huey, and Ford.

Mr. Bruce presented the petition of E. Chamberlain, praying the Legislature to subscribe to a certain publication therein named.

Which was referred to the committee on the judiciary.

Mr. Lewis of Wayne, presented the petition of the religious society of Anti-Slavery Friends, praying for relief to the African race;

Which was referred to the committee on the judiciary.

Mr. Walker presented a petition of sundry citizens of Vanderburgh county, praying an amendment in the law regulating the election of county assessors;

Which was referred to the committee on ways and means.

Mr. Hauser presented a petition of sundry citizens of Owen coun-

ty, praying for the exemption of revolutionary soldiers and soldiers of the late war from taxation ;

Which was referred to the committee on ways and means.

Mr. Leslie presented a petition of Andrew Applegate and others, praying for relief to the heirs of Samuel Yandel, deceased ;

Which was referred to the committee on the judiciary.

Mr. Huckaby presented a petition of Lester Hawley and others, of Perry county, praying to be attached to Crawford county ;

Which was referred to the committee on the judiciary.

Mr. Bruce presented the petition of Arthur E. Williams, praying for a divorce ;

Which was referred to the committee on the judiciary.

Mr. Manville presented a petition of sundry citizens of Brown county, praying a change in the mode of doing county business in said county ;

Which was referred to a select committee of Messrs. Manville, Byers, and Wright of Wayne.

Mr. Byers presented the petition of Robert Darbison, praying for relief :

Which was referred to a select committee of Messrs. Byers, Lewis of Wayne, and Rose.

Mr. Pettit presented a petition of sundry citizens of Kosciusko and Fulton counties, praying the attachment of certain territory therein named to the county of Wabash ;

Which was referred to a select committee of Messrs. Pettit, Colms and Pomeroy.

Mr. Huckaby presented a petition of sundry citizens of Perry county, praying an amendment of that portion of the revised statutes that relates to roads and highways ;

Which was referred to the committee on roads.

Mr. McClure of Scott presented a petition of Samuel Davis and others, praying for relief to Sintha Smith ;

Which was referred to the committee on education.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the bill of the House for the restoration of the burned records of Miami county, respectfully beg leave to report the same back to this House.

In doing so they feel it a duty to call attention to the first item of the 44th section, providing that two dollars per day shall be paid out of the State Treasury to the President Judge of the 8th judicial circuit for his services at the special terms authorized by the bill, as it is the *special terms* only for which the compensation is authorized, it should be mentioned that the bill provides that the same business may be transacted at the regular as at the special terms. A bill now before the House, which it is believed will be passed into a law, con-

templates an extension of the regular terms of that court from one to two weeks, and as the burning of the records has swept a multitude of old causes from the docket, the lessened amount of business will leave a large portion of the time of the regular term to be employed in restoring the destroyed records.

This bill likewise contains a provision that whenever in the transaction of business, the clerk is unable to make a record of the proceedings as they transpire, the court may adjourn to a future day and require the clerk to complete his records in the vacation, which the courts must afterwards sign and approve, many, in fact, most of the judgments and decrees will be re-instated from the minutes kept by attorneys, officers, and parties, contests will very rarely arise. Such being the case, special terms would not continue long, for the courts would in an hour prepare for record what would require a clerk to be busy and active in a week.

Your committee think that 20 or 30 days at most, would be as much time for special terms as would be necessary to complete the restoration of the records.

It is understood by your committee, that the Legislature on a former occasion, made a provision for compensating similar services out of the State Treasury. The same principle upon which the salaries of president judges are now paid out of the State Treasury, that of keeping the president judge in all cases and to all extents unprejudiced by local feelings and obligations, alone recommends it. To be sure, the appeal is made to the generosity of the other counties from a sister county in distress.

But the committee have felt it due to the House, to submit, whether to discourage this precedent of paying for services in which a single county alone is interested, out of the State Treasury, is not more important than to maintain the principle of keeping this branch of the bench independent of all local support.

In all other respects your committee concur in recommending to the House the passage of the bill.

On motion by Mr. Parker,

The report and bill mentioned therein, were laid on the table.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on education, to whom was referred the resolution instructing them to inquire into the propriety of amending the school law, relative to the qualifications of voters at district meetings, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same.

On motion by Mr. Robinson of Decatur,

The report was laid on the table.

Mr. Hazelrigg made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the resolution instructing them to enquire into the expediency of amending the school law, so as to authorize the clerks of congressional townships to administer oaths, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in by the House.

Mr. Garrett made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the resolution directing them to enquire into the expediency of providing by law what number of days shall be considered three months or one quarter, have had the same under consideration, and directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same.

Which was concurred in by the House.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the petition of sundry citizens of Marshall and Kosciusko counties, have had the same under consideration, and beg leave to report the following bill and recommend its passage.

No. 90. A bill, in the above report mentioned, providing for the location of a State road in the counties of Kosciusko and Marshall ;

Was read a first time, and ordered to a second reading.

Mr. Robinson of Carroll made the following report :

MR. SPEAKER :

The select committee, to whom was referred the remonstrance of John Carr, and sundry others, being a majority of the good citizens of the town of Charlestown, Clark county, in this State, against groceries, and tippling houses in said town, have had that subject under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 91. A bill to amend an act entitled an act relative to licensing groceries in Carroll and Cass counties, approved January 31, 1842;
Was read a first time, and ordered to a second reading.
Mr. Walker made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of the board of commissioners of Vanderburgh county, asking the passage of a law authorizing the auditor of said county to call the board together to hold special sessions, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

No. 92. A bill, authorizing the auditor of Vanderburgh county, to call the board of commissioners together to hold special sessions in said county ;
Was read a first time, and ordered to a second reading.
Mr. Lanius made the following report :

MR. SPEAKER :

The select committee, to which was referred the petitions on the subject of attaching additional territory to the county of Ohio, have had the same under consideration, and have directed me to report the following bill, and recommend its passage ;

No. 93. A bill, to attach additional territory to the county of Ohio, and for other purposes ;
Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.
Mr. Cowen made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of sundry citizens of Elkhart county, praying for the modification of certain portions of the revenue laws, so far as they extend to said county, have had said petition under consideration, and have directed me to report the following bill, and respectfully recommend its passage :

No. 94. An act to amend certain provisions of the revenue laws in Elkhart county ;
Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.
Mr. Turman made the following report :

MR. SPEAKER:

The committee to whom was referred the petition of John Gordon and James Pogue, praying a change in a State road of Sullivan county, have considered the same, and directed me to report the accompanying bill with an amendment thereto, and recommend its passage:

The amendment was concurred in.

No. 13. A bill supplementary to an act entitled an act to change a State road in Sullivan county;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bruce introduced the following joint resolution:

No. 95. A joint resolution for the relief of the people of Indiana;

Was read a first time and ordered to a second reading.

Mr. Colms introduced

No. 96. A joint resolution on the subject of the Tariff;

Which was read a first time and ordered to a second reading.

Mr. Barclay introduced

No. 97. A joint resolution on the subject of the harbor of Michigan City;

Which was read a first time and ordered to a second reading.

The Speaker laid before the House the following communication from Horatio J. Harris, Auditor of State:

AUDITOR'S OFFICE, }
December 16, 1844. }

To the Speaker of the

House of Representatives:

SIR:—The following resolutions of the House of Representatives, adopted on the 13th inst., have been handed to me for answer, to-wit:

Resolved, That the Auditor of Public Accounts be requested to report to the House whether he so construed the 18th section of an act entitled "an act to value the property of this State," approved February 12th, 1841, that the county boards of equalization, at their annual June session, have the power, according to the above named act, to reduce the aggregate valuation of the real estate of their respective counties as valued by the county appraisers, and returned to the special county boards of equalization, provided for by the 13th section of the same act.

Resolved, further, That the Auditor be requested also to report whether the county boards of equalization of any of the counties of this State have reduced the aggregate value of real property in their

respective counties, as returned by the county appraisers to the special county board of equalization, held in the fall of the year 1841."

In reply to the first resolution I would state, that no occasion has heretofore presented itself for me to give an official opinion, as to the construction to be placed upon the above named provisions of the act of 1841, as to the particular point referred to in the resolution, nor am I advised what construction was placed upon them by my predecessor. Had the question been presented for my decision by the special board of equalization in any of the counties, with view to action upon it in their official capacity under the aforesaid sections, I should undoubtedly have replied to them as I now respectfully answer the House of Representatives, that in my opinion the county boards of equalization have not the power to reduce the aggregate valuation of the real property of their respective counties as returned by the county appraisers in 1841. The act of January 13, 1842, (chapter 113, general laws,) repealing that part of the act of 1841, which provided for a State board of equalization, deranged somewhat the harmony of the revenue system of 1841, and would probably be now deemed by some persons as justifying a different opinion from that entertained by this office, as to the power possessed by county boards of equalization, in reducing the aggregate value of the real estate of their respective counties; but it seems to me that when the county board has once exercised the power granted by the 13th section of the act of 1841, they could not, at a subsequent session, review their own proceedings, without the right to do so was expressly given by law. A different construction would make the value of the real property of the State subject to all the fluctuation which a few discontented and influential individuals in each county would have it in their power to produce.

In answer to the second I would respectfully state, that under existing laws, no notification of the proceedings of the county boards of equalization is forwarded to this office, and that no information can therefore be communicated as to the subject matter of the resolution, except such as is derived inferentially from an inspection of assessments, and from facts which have incidentally come to my knowledge. The average price per acre of lands in the several counties will necessarily be affected each year by other causes than the action of the county boards of equalization upon the valuation made in 1841—but the variations in some of the counties is so material that hardly a doubt can exist that the county boards have assumed the right of reducing the valuation made in 1841. In the county of Rush, for instance, the number of acres returned in 1841 was 255,150, and the average price per acre was nine dollars: in 1843 the number of acres returned from that county was 255,057, and the average price per acre, five dollars and twenty-eight cents: the return for the present year from that county shows the number of acres to be 253,299, and the average price per acre, five dollars and twenty-seven cents. Other cases of the reduction upon the valua-

tion of 1841, might be pointed out, but it is presumed that the foregoing one will be sufficient for the purpose the House had in view in adopting the second resolution.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

Auditor of State.

Which, on motion, was referred to the committee of ways and means.

Mr. Parker offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending an act entitled an act supplemental to an act subjecting real and personal property to execution, as to require real estate to sell for two-thirds of its appraised value, and personal property, when selected by the plaintiff, to sell for two-thirds of its appraised value; and when given up by the defendant, to sell for one half its appraised value; and that they report by bill or otherwise.

Mr. Handy moved to lay on the table.

Messrs. Smith and Parker demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Brown, Bruce, Byers, Colms, Endicott, Fuller, Garrett, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Hill, Hodges, Hostetter, Huey, Jamison, Jones of Vigo, Lanius, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Odell, Parker, Peek, Pettit, Robinson of Decatur, Rose, Rosseau, Shelby, Smith, Snook, Tague, Tomlinson, Vandever, Walker, Whight, and Mr. Speaker—45.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Claypool, Cowen, Davis, Ford, Foresman, Gregory, Grubbs, Hardin, Herod, Heustis, Hinchman, Hoggatt, Howard, Huckaby, Jones of Fountain, Kelley, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, Miller, Nutter, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Shanks, Shively, Simonson, Stapp, Stophlet, Sullivan, Tingley, Turman, Wills, Wolf, Wright of Switzerland, and Wright of Wayne—46.

So the resolution was not laid on the table.

Mr. Rose moved so to amend that there shall be no distinction between real and personal property.

Mr. Smith moved a call of the House;

Which did not prevail.

Mr. Smith moved to indefinitely postpone the whole subject.

Messrs. Smith and Hoggatt called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Brown, Bruce, Byers, Colms, Conduit, Endicott, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Hill, Hodges, Hostetter, Huey, Jamison, Jones of Vigo, Lanius, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Nutter, Odell, Palmer, Peek, Rich, Robinson of Decatur, Rose, Rosseau, Smith, Snook, Tague, Tomlinson, Vandever, Walker, Whight, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Claypool, Cowen, Foresman, Grubbs, Hardin, Herod, Heustis, Hinchman, Hoggatt, Huckaby, Jones of Fountain, Kelley, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, Miller, Osborn, Parker, Pettit, Pomeroy, Robinson of Carroll, Shanks, Shively, Simonson, Stapp, Stophlet, Sullivan, Tingley, Turman, Wills, Wolf, Wright of Wayne, and Wright of Switzerland—42.

So the resolution and amendment were indefinitely postponed.

Mr. Herod offered the following resolution:

Resolved, That the committee on roads be directed to report a bill exempting, by law, all regularly licensed preachers of the gospel from working on public roads and highways.

Mr. Hardin moved to amend by inserting immediately after licensed, "while regularly engaged in the calling of preaching the gospel," and provided nothing in this resolution shall be so construed as to exempt preachers from paying a road tax.

Mr. Hazelrigg moved to lay the resolution and amendment on the table.

Messrs. Whight and Gregory called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Brown, Byers, Colms, Conduit, Garrett, Hambrick, Hannah, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hoggatt, Hostetter, Huey, Jamison, Kelley, Lanius, Legg, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Knox, McClure of Scott, Manville, Miller, Montgomery, Nimmon, Palmer, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Tague, Tingley, Tomlinson, Whight, Wolf, Wright of Wayne, and Mr. Speaker—44.

Those who voted in the negative are,

Messrs. Blakemore, Boardman, Bradley, Claypool, Cowen, Endi-

cott, Ford, Foresman, Fuller, Gregory, Grubbs, Handy, Hardin, Herod, Hinchman, Hodges, Howard, Huckaby, Jones of Fountain, Jones of Vigo, Kerr, Leslie, Little, McGauhey, Mooney, Nutter, Odell, Osborn, Parker, Pettit, Peek, Robinson of Carroll, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Turman, Vandever, Walker, and Wills—44.

So the resolution was not laid on the table.

Mr. Hinchman moved to amend the amendment so as to read tax for personal privileges only;

Which was lost.

Mr. Robinson of Decatur moved to insert before preachers, travelling.

Mr. Whight moved to postpone until the first Monday in August next.

The ayes and noes being called by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Brown, Bruce, Byers, Colms, Garrett, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Huestis, Hill, Hinchman, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Vigo, Kelly, Legg, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Nimmon, Nutter, Palmer, Parker, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Simonson, Snook, Tague, Tingley, Tomlinson, Turman, Whight, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Blakemore, Boardman, Bradley, Claypool, Conduit, Cowen, Endicott, Ford, Fuller, Gregory, Grubbs, Hardin, Herod, Hodges, Huckaby, Jones of Fountain, Kerr, Leslie, Little, Mooney, Osborn, Peek, Pettit, Robinson of Carroll, Shelby, Shively, Smith, Stapp, Vandever, Walker, and Wills—31.

So the resolution and amendments were so postponed.

Mr. Ford introduced

No. 98. A bill for the relief of the purchasers of certain school lands in Randolph county;

Which was read a first time and ordered to a second reading.

Mr. Shanks introduced

No. 99. A bill to amend the 15th chapter of the revised statutes of 1843;

Which was read a first time and passed to a second reading.

Mr. Anthony introduced

No. 100. A bill to amend an act entitled "an act authorizing the commissioners of the Wabash and Erie canal, east and west of Tippecanoe, to sell lands in tracts of forty acres or quarter quarter sections;"

Which was read a first time and passed to a second reading.

Mr. Brown introduced

No. 101. A bill to change the mode of doing county business in the county of Crawford;

Mr. Handy introduced

No. 102. A bill to repeal an act therein named;

Mr. Blakemore introduced

No. 103. A bill relative to the assignment of canal land office certificates;

Mr. Smith introduced

No. 104. A bill to abolish the office of county Auditor in the county of Spencer;

Mr. Vandever introduced

No. 105. A bill to amend an act entitled "an act to reduce the tolls on the New Albany and Vincennes road, and other purposes;"

Mr. Ford introduced

No. 106. A bill to legalize the acknowledgment of certain deeds, mortgages and other instruments of writing, required by the laws of Indiana now in force, to be acknowledged and recorded;

Mr. Heustis introduced

No. 107. A bill to define the boundaries of Dearborn county;

Which was read a first time and ordered to a second reading.

Mr. Helwig introduced

No. 108. A bill for the protection of wild fruit growing on public lands;

Mr. Osborn introduced

No. 109. A bill to amend article 4, chapter 45, revised statutes of 1843;

Mr. Osborn also introduced

No. 110. A bill to amend section 88, chapter 48, revised statutes 1843;

Mr. Blakemore introduced

No. 111. A bill amendatory of the 6th article of the 55th chapter and the 10th article of the 47th chapter of the revised statutes 1843;

Mr. Helwig introduced

No. 112. A bill regulating the election of supervisors of roads and highways in the counties of De Kalb and Steuben;

Mr. Mooney introduced

No. 113. A bill to authorize an additional place of holding elections in Reding township, Jackson county;

Mr. Pettit introduced

No. 114. A bill to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional townships;

Mr. Huckaby introduced

No. 115. A bill to repeal an act entitled "an act providing for the opening and repairing roads, highways and streams in the counties of

Bartholomew, Putnam, Owen, Henry and Perry, approved January 31, 1843."

Mr. Huey introduced

No. 116. A bill to authorize the citizens of Jay county and Adams county to elect a county surveyor;

Which were severally read a first time and ordered to a second reading on to-morrow.

On motion,

The House adjourned.

2 o'clock, P. M.

The House met.

Mr. Pomeroy introduced,

No. 117. A bill for the relief of the State of Indiana, and other purposes;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee, with the evidence in relation thereto.

Mr. McGauhey introduced,

No. 118. A bill legalizing special sessions of county commissioners in the county of Daviess;

Mr. Lanus introduced,

No. 119. A bill to amend an act entitled an act to amend an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8, 1836, approved January 15, 1844 ;

Mr. McGauhey introduced,

No. 120. A bill in relation to county treasurer's bonds;

Which were severally read a first time, and passed to a second reading.

The House then proceeded to the consideration of the following bills and joint resolutions of the Senate:

No. 11. A joint resolution reviving in part a certain act therein named;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 15. A bill to extend the time of holding the May term of the Decatur Circuit court;

Which was read a second time, when

Mr. Robinson of Decatur moved to strike out from the enacting clause and insert the following:

"That the Decatur circuit court shall hereafter sit eighteen days at each term, if the business thereof require it.

"SEC. 2. The first week of each term shall be devoted to hearing and disposing of criminal and chancery causes on appeal or error,

brought up from the Probate court, and for disposing of issues at law, and making up issues of fact.

"SEC. 3. The second and third weeks of each term of said court shall be devoted to hearing and disposing of common law causes, and the transacting of any other business that may lawfully come before said court.

"SEC. 4. The Clerk of said court shall, in making up his docket for the second and third weeks of said court, set as many causes for each day as in his opinion can be disposed of on such day, and the witnesses in each cause shall be summoned to attend on the day on which said cause is set for trial.

"SEC. 5. If, at the end of any term of said court, the judges thereof shall be of opinion that three weeks is more time than is necessary for the transacting the business of said court, they may regulate the same by an order entered on the order book of said court.

"This act to take effect and be in force from and after its passage."
Which amendment was adopted; when,

On motion,

The rules being suspended therefor, the bill, as amended, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 1. A bill to vacate a part of the town of Mongoquinong in the county of Lagrange;

No. 5. A bill relating to the taxes in the town of Rising Sun;

Which were severally read a second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 6. A bill for the relief of Pierre (alias Peter) Poncin, of Knox county;

Was read a second time, and ordered to a third reading.

On motion by Mr. Robinson of Decatur,

The House took up

No. 29. A bill to amend an act authorizing the election of Supervisors of roads in Decatur county.

On motion by Mr. Stapp,

Jefferson county was inserted.

On motion by Mr. Smith,

Spencer county was also inserted;

The rules were suspended, the amendments considered as engrossed, read a third time, and passed.

The title was amended by adding the counties of Jefferson and Spencer.

Ordered, That the Clerk inform the Senate thereof.

No. 10. A bill to vacate part of a State road in the county of Noble;

Which was read a second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 12. A bill to repeal a certain act therein named;
Was read a second time, and passed to a third reading.

No. 25. A joint resolution relative to postage;
Was read a second time, and passed to a third reading.

BILLS OF THE HOUSE.

No. 52. A bill authorizing a convention to be called to alter, change, or amend the Constitution.

Mr. Hazelrigg moved to lay the bill on the table;
Which was lost.

On motion by Mr. Leslie,
The bill was referred to the judiciary committee.

No. 15. A bill to authorize county auditors to perform the duties of notary publics.

Mr. Wills moved to except Putnam county from the provisions of the bill;

Which was agreed to by the House.

Mr. Hodges moved to refer the bill to the committee on the judiciary; when,

On motion by Mr. Claypool,
It was laid on the table.

No. 16. A bill to amend the several acts now in force relative to the discharge of the duties of school commissioners.

Mr. Pomeroy moved to amend, by inserting the counties of "Marshall and Fulton;"

Which was adopted.

Mr. Rich moved to refer the bill to the judiciary committee, with instructions to make its provisions general.

Mr. Simonson moved to amend, by "further instructing the committee to take into consideration the fees of school commissioner and auditor, and to make such provisions in that respect as they may deem advisable;"

Which was adopted.

The question then being, on the motion of Mr. Rich,

It was adopted.

No. 17. A bill to change the time of holding Probate courts in the county of Daviess;

Which was read a second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 19. A bill to legalize the official acts of the commissioners of the Wabash and Erie canal;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 20. A bill for the relief of Owen Russell of Delaware county;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 21. A bill to create the 13th circuit in the State of Indiana;
Was read a second time.

Mr. Whight moved to postpone the bill indefinitely;

And the ayes and noes being demanded by Messrs. Whight and Handy,

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Byers, Conduit, Cowen, Ford, Fuller, Garrett, Handy, Hannah, Hauser, Hazelrigg, Hill, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Jones of Fountain, Kelley, Lanius, Legg, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Manville, Montgomery, Nutter, Pa'mer, Peek, Rich, Shively, Simonson, Sullivan, Turman, Vandever, Whight, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Barclay, Bell, Boardman, Bradley, Bruce, Claypool, Colms, Duzan, Endicott, Gregory, Grubbs, Hambrick, Hardin, Heustis, Herod, Hodges, Huey, Jamison, Jones of Vigo, Kerr, Leslie, Little, McClure of Knox, McGauhey, Miller, Nimmon, Odell, Osborn, Parker, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Walker, and Wills—45.

So the motion was lost.

Mr. Handy then moved to postpone the consideration of the bill until the first Monday in August next;

And the ayes and noes being demanded by Messrs. Handy and Whight,

Those who voted in the affirmative are,

Messrs. Brown, Byers, Colms, Ford, Fuller, Garrett, Handy, Hannah, Hauser, Hazelrigg, Heustis, Hill, Hinchman, Hoggatt, Howard, Huckaby, Jamison, Jones of Fountain, Kelley, Lanius, Legg, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Manville, Montgomery, Nutter, Palmer, Peek, Pettit, Shively, Simonson, Smith, Snook, Tague, Turman, Vandever, Whight, Wolf, Wright of Wayne, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Cowen, Foresman, Gregory, Grubbs, Hambrick, Hardin, Helwig, Herod, Hodges, Hostetter, Huey, Jones of Vigo, Kerr, Leslie, Little, McClure of Knox, McGauhey, Miller, Nimmon,

Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Walker, and Wills—44.

So the motion was lost.

On motion by Mr. Herod,

The bill was referred to a select committee, consisting of Messrs. Herod, Manville, Hardin, Rich, Mooney, and Robinson of Decatur.

No. 22. A bill to extend the term of the county board of Jefferson county;

Which was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 23. A bill repealing the 73d section of the 4th article of the Revised Statutes of 1843;

Which was read a second time, and,

On motion by Mr. Pomeroy,

Was laid on the table.

No. 24. A bill to amend an act entitled an act abolishing docket fees, dispensing with final records, in certain cases, approved January 28, 1843;

Was read a second time, and ordered to be engrossed for a third reading.

No. 25. A bill to change the name of James Cowdrey Smith;

Which was read a second time, and ordered to be engrossed.

No. 26. A bill relating to Jackson Township in Washington county;

Was read a second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 28. A joint resolution on the subject of letter postage;

Was read a second time, and,

On motion by Mr. Stapp,

Was laid on the table.

No. 29. A joint resolution respecting the annexation of Texas.

Mr. Stapp moved to amend, by striking out from the resolving clause and inserting the following:

Resolved, by the General Assembly of the State of Indiana, That we recognize in the people of our sister Republic, Texas, that freedom of character, that indomitable spirit, and that firmness of purpose in supporting and sustaining the principles of liberty, and resisting the encroachments of illegal power, which so eminently characterized our venerable fathers of the revolution; and that the sympathies of a people who have descended from those who resisted the same kind of power, and sustained the same kind of liberal principles as accorded to the gallant band that are so determined in their action to approve and sustain the principles of the Government under which we live.

Resolved, As the opinion of this General Assembly, that it is a

duty we owe to those citizens of the United States who emigrated to that country at an early day, entertaining the opinion that they were still settling within the limits of our Government, and who were transferred to a foreign Government without their consent, to do them justice in all things within our power, when the same can be done in accordance with our own principles and without infringing on the rights of others.

Resolved, That in a commercial and natural point of view, it would be to the interest of these United States to have Texas annexed thereto.

Resolved, As the opinion of this General Assembly, that the annexation of Texas to the United States would be the means, at an early day, of adding several States, now holding slaves, to the number of non-slaveholding States, and would generally facilitate the final liberation of the whole slave population in the United States.

Resolved, As the opinion of this General Assembly, that if Texas shall be annexed to these United States, it should be done in such manner as would be justified by the civilized world, and produce harmony and good feeling among the people of the United States.

Resolved, As the opinion of this General Assembly, that in annexing Texas to these United States that the slave power in our Government should not be increased.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the annexation of Texas to these United States, whenever the same can be done on right, just and equitable principles.

Resolved, That his Excellency, the Governor, cause a copy of these joint resolutions to be transmitted to each of our Senators and Representatives in Congress of the United States.

On motion by Mr. Stapp,

The consideration of the subject was made the special order of the day for Friday next, at 10 o'clock, A. M.

No. 30. A joint resolution in relation to the improvement of the navigation of the Wabash river;

Was read a second time, and,

On motion,

Was referred to a select committee, consisting of Messrs. McGauhey, McClure of Knox, and Huckaby.

On motion by Mr. Osborn,

The House suspended the order of business and took up

No. 34. A bill to amend an act amendatory to Michigan City charter;

Which was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Robinson of Carroll,

No. 66. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey of Carroll county,

Was taken from the files and read a second time; when

Mr. Robinson of Carroll moved the following amendment to second section of said bill:

Provided, That it shall not be lawful for the said Lorenzo D. Hovey and Abigail C. Hovey to receive any compensation or reward for the support or maintenance of the said minor Caroline M. Morris, but that they shall support and educate her free of all expense, so far as the estate of the said minor is concerned, until she shall arrive of age.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

On motion by Mr. Smith,

The House adjourned.

TUESDAY MORNING, DECEMBER 17, 1844.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from his Excellency, the Governor, in relation to the State Prison, which, with the accompanying report, was referred to the committee on the State Prison.

Mr. Robinson of Carroll offered the following resolution:

Resolved, That the Clerks of this House be authorized to employ assistants when the same shall be necessary;

Which was adopted.

The Speaker laid before the House the following communication from his Excellency, the Governor.

EXECUTIVE DEPARTMENT, }
December 16, 1844. }

To the Speaker of the

House of Representatives :

SIR: T. Brown Kinder is hereby authorized to bear communications from the Executive to the House of Representatives.

I am, respectfully,

Your obedient servant,

JAS. WHITCOMB.

Mr. Heustis presented a remonstrance from sundry citizens of Dearborn county, against the repeal of an act, approved January

15, 1839, for the relief of the heirs of William Huddleston, Robert Huddleston, and Thomas Huddleston;

Which was referred to the judiciary committee.

Mr. Garrett presented a petition from sundry citizens of Vigo county, praying for a remodelling of the election laws;

Which was laid on the table.

Mr. Herod presented a petition from sundry citizens of Bartholomew and Decatur counties, praying for the formation of a new county;

Which was referred to a select committee of Messrs. Herod, Stapp, Handy, and Robinson of Decatur.

Mr. Tingley presented a petition from the President and Trustees of the town of Greencastle, praying for relief;

Which was referred to the judiciary committee.

Mr. Herod presented a petition from sundry citizens of the town of Hartsville, in Bartholomew county, praying for relief;

Which was referred to the judiciary committee.

Mr. Duzan presented the petition of John Good and others, for relief;

Which was referred to the judiciary committee.

Also, the petition of Henry Sinclear and others, for relief;

Which was referred to the same committee.

Mr. Huckaby presented a remonstrance from sundry citizens of Perry county, against attaching any portion of said county to Crawford county;

Which was referred to the judiciary committee.

Mr. Hazelrigg presented a petition from sundry citizens of Boone county, relative to the salary of county Auditor of Boone county;

Which was referred to the committee on claims.

Mr. Tingley presented "H. Bassett's claim vs. State for costs, &c."

Which was referred to the committee on claims.

The following message was received from the Senate, by Mr. Otto, their secretary.

MR. SPEAKER :

The Senate have passed an engrossed bill thereof entitled

No. 66. An act regulating the election of President Judges ;

In which I am directed to ask respectfully the concurrence of the House.

No. 66 mentioned in said message, was read a first time ; and

On motion by Mr. Robinson of Carroll,

The rules were suspended, and it was read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that the Senate has concurred in the resolution of the House to adjourn sine die on the 13th day of January next.

The following message was also received from the Senate, by Mr. Otto, their Secretary.

MR. SPEAKER :

The Senate have passed an engrossed bill thereof, entitled,
No. 80. An act to provide for a special session of the Whitley Circuit Court.

In which the concurrence of this House is respectfully requested.

The Senate concur, in the amendment of the House to an engrossed bill of the Senate.

No. 7. An act to extend the time of holding probate courts in the counties of Washington, Jefferson and Ripley,

With an amendment, in which the concurrence of the House of Representatives is respectfully requested.

Bill No. 80, mentioned in the foregoing message, was read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The House concurred in the amendment of the Senate to the amendment of the House to bill of the Senate, No. 7.

Ordered, That the Senate be informed thereof.

Mr. Tingley made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a proposition to so amend the law regulating the trial of the right of property, so as to repeal that part which assesses a penalty of 5 per cent. damages against the claimant on the amount of property in controversy where he fails to sustain his right to the property, and vest a discretionary power in the Court trying the same to assess more or less than 5 per cent. damages in such cases, have considered the same and instruct me to report legislation thereon inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in by the House.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred Bill No. 11, entitled

"A bill in relation to patents to purchasers of lands in the reserve townships in Gibson and Monroe, and of the saline lands," have had the same under consideration, and report the same back to the House with one amendment, and recommend the passage of said bill as amended.

The bill mentioned in the above report being on its third reading, the amendment was concurred in, and the rules being suspended, the bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution of this House, instructing them to enquire into the expediency of so amending the thirty-sixth section of the seventh chapter of the Revised Statutes, imposing penalties upon the board doing county business for any neglect or omission of duty, that the penalty should be graduated according to the importance of the neglect or omission, have considered the same, and instructed me to report the accompanying bill, and recommend its passage.

No. 120. A bill in relation to penalties upon county commissioners ;

Which was read a first time, and passed to a second reading.

Mr. Osborn made the following report ;

MR. SPEAKER :

The committee on the judiciary, to which was referred a resolution, directing said committee to report their opinion of the execution law as it now stands, in connection with the late decision of the Supreme Court, so that sheriffs and constables may act more advisedly on the subject, have considered the same, and without expressing their individual opinions of the law, have directed me to report, that under the decisions of the Supreme Court of the United States by which all courts, officers and persons in the United States are bound, any law requiring property levied on by virtue of any execution, to be appraised, and prohibiting its sale on such execution for less than two-thirds, one half or its full appraised value, is unconstitutional and void, so far as it effects any contract entered into previous to the passage of the law : and as to all contracts entered into after its passage, it is constitutional.

The case of *Bronson vs. Kinze*, 1st Howard's Reports, page 311, was a bill in chancery to foreclose a mortgage executed in 1838. In 1841, the legislature of Illinois (where the land mortgaged was situated,) passed a law in substance, requiring that all property levied on by virtue of any execution or decree of foreclosure, should be appraised in a certain manner, and prohibited any sale by virtue of such execution and levy, for less than two-thirds of such appraised value.

On the final hearing, the complainant moved for a decree, that the land should be sold to the highest bidder, without being subject to the law above mentioned. It went to the Supreme Court in a certificate of division from the Circuit Court of U. S., for the district of Illinois, on that question.

In deciding the case the Court says: "If the laws of the State had done nothing more than change the remedy upon contracts of this description, they would be liable to no constitutional objection. For undoubtedly a State may regulate at pleasure the modes of proceeding in its courts in relation to past contracts as well as future. It may for example, shorten the period of time within which claims shall be barred by the statute of limitations. It may, if it thinks proper, direct that the necessary implements of agriculture, or the tools of the mechanic, or articles of necessity in household furniture, shall, like wearing apparel, not be liable to execution. * * *

Whatever belongs to the remedy, may be altered according to the will of the State, provided the alteration does not impair the obligation of the contract. But if that effect is produced, it is immaterial whether it is done by acting on the remedy, or directly on the contract itself. In either case it is prohibited by the constitution."

"It is difficult perhaps to draw a line that would be applicable in all cases between legitimate alterations of the remedy, and provisions which in the form of remedy, impair right. But it is manifest, that the obligation of the contract, and the rights of a party under it, may, in effect, be destroyed by denying a remedy altogether: or may be seriously impaired by burdening the proceedings with new conditions, and restrictions, so as to make the remedy hardly worth pursuing. And no one we presume would say that there is any substantial difference between a retrospective law declaring a particular contract or class of contracts to be abrogated and void, and one which took away all remedy to enforce them, or encumbered them with conditions, that rendered it useless or impracticable to pursue it."

The Court decided the law unconstitutional and void, so far as it affected the sale under that mortgage, and directed that the land mortgaged should be sold without being appraised, to the highest bidder.

The case of *McCracken v. Wayward*, 2nd Howard's Reports, 609, went to the Supreme Court of the United States from the same Illinois Circuit Court, in the same manner as the other did, on a motion to set aside a return to an execution, issued on a judgment ren-

dered in 1840, under which property levied upon was appraised and not sold, because no one bid two-thirds of its appraised value, as required by said law.

In that case the Court says: "The obligation of a contract consists in its binding force on the party who makes it. This depends on the laws in existence when it is made; these are necessarily referred to in all contracts and forming a part of them as the measure of the obligation to perform them by the one party, and the right acquired by the other."

If the defendant had made such an agreement as to authorize a sale of his property, which should be levied on by the sheriff for such price as should be bid for it at a fair public sale on reasonable notice, it would have conferred a right on the plaintiff which the constitution made inviolable; and it can make no difference whether such a right is conferred by the terms, or law of the contract. Any subsequent law, which denies, obstructs, or impairs this right by superadding a condition that there shall be no sale for any sum less than the value of the property levied on, to be ascertained by appraisement, or any other mode of valuation than a public sale, affects the obligation of the contract, as much in the one case as the other, for it can be enforced only by a sale of the defendant's property; and the prevention of such sale is the denial of a right. * *

* * It follows that the law of Illinois now under consideration, so far as it prohibits a sale for less than two-thirds of the appraised value of the property levied on, is unconstitutional and void."

This doctrine was recognized by the Supreme Court of this State in the case of *Doe Ex Dem. Wolf et. al. vs. Heath et. al.* at the May term, 1844. In that case one of the parties claimed title to the land in controversy, under and by virtue of a sheriff's sale. It was objected, that the sale was void, because it was not sold on a credit, &c., as required by the statute in force at the time of the sale.

The Court says: "From the sheriff's return to the order of sale, we may fairly conclude, that it was so made. At all events if the statute in that particular was not pursued, we are constrained by high authority to say, that the sale was not, for that reason, void. The decree was rendered and of course the debt contracted before the statute was enacted. *Bronson v. Kinzie, Howard 311.* Although we do not adopt all that is said in that case, yet the point being one of constitutional law, and being decided by the highest judicial tribunal in the nation, we are compelled to yield to it."

Which, on motion by Mr. Whight,
Was laid on the table.

Mr. Bradley made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which

was referred a bill No. 19 of the House, to legalize the acts of the commissioners on the Wabash and Erie canal, have had that subject under consideration, and they have directed me to report the same back and recommend its passage.

No. 19. A bill to legalize the official acts of the commissioners on the Wabash and Erie Canal;

Which was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Blakemore made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred the petition of John Grantham and sundry other citizens of Carroll county, in relation to the assignment of canal land office certificates heretofore made, have had the same under consideration, and one of the committee having, on yesterday, introduced a bill on that subject, meeting fully the prayer of the petition, the committee have requested me to report said petition back to this House, and ask to be discharged from its further consideration.

Which was concurred in.

Mr. Blakemore also made the following report:

MR. SPEAKER :

The select committee to whom was referred a petition of B. Powell and sundry other citizens of Cass county, in relation to two State roads heretofore located between Daniel Deal's in White county, and the eight mile post on the Michigan road North of Logansport, in Cass county, have had the same under consideration, and have instructed me to report the following bill and recommend its passage ;

No. 122. A bill to locate a State road therein named, and for other purposes;

Which was read a first time and passed to a second reading.

Mr. Pettit made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of citizens of Wabash county and others, praying an extension of the time of payment upon the sales of canal lands so that the same should conform to the provisions of the act of 1840, have considered the same, and directed me to report the accompanying bill and recommend its passage.

No. 123. A bill to extend the time of payment upon the sales of canal lands;

Which was read a first time and passed to a second reading.

On motion by Mr. Leslie,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law in relation to the selecting of grand and traverse jurors, so that the county commissioners of each county shall select as near as may be, every discreet householder and freeholder resident of their respective counties, whose names are entered on the tax list, and so to dispose of them as to cause all to be summoned as such jurors before any other selection shall be made, who may remain as such householders and freeholders in said counties, and further to provide a penalty for the punishment of any officer who shall neglect his duty in the premises, with leave to report by bill or otherwise.

Mr. Claypool offered the following resolution:

Resolved, That the House will, at half past two o'clock, on tomorrow, in the Hall of the House, (the Senate concurring therein,) proceed to the election of President Judges in the 1st, 2d, and 3d Judicial Circuits, and that seats be provided for them on the right of the Speaker's chair.

Which was laid on the table.

On motion by Mr. Hardin,

Resolved, That the committee on the judiciary be instructed to report a bill to this House, providing for an enumeration of the white male inhabitants above the age of twenty-one years, to enable the next General Assembly to apportion the Senators and Representatives in proportion to such enumeration.

On leave granted, Mr. Hodges made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House, requesting them to report a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to secure a donation of all the refuse lands in the Vincennes land district, to complete the cross cut canal from the feeder dam to Evansville, have had that subject under consideration, and directed me to report inexpedient, inasmuch as there is a joint resolution now before a select committee on the same subject, and ask to be discharged from any further consideration thereof.

Which was concurred in.

Mr. Tague offered the following resolution:

Resolved, That the committee on ways and means be requested to enquire into the expediency of so amending the revenue law as to

reduce the taxes to 15 cents on the hundred dollars' worth of property for State purposes, and to report by bill or otherwise.

Which was not adopted.

Mr. Jamison offered the following resolution :

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of restricting within reasonable bounds, the charges of physicians for their attendance on the sick, by law, with leave to report by bill or otherwise.

Mr. Wright of Switzerland moved to amend, by inserting "lawyers' fees."

Which was adopted.

Mr. Stophlet moved to amend the amendment, by adding "merchant's prices for goods."

Mr. Shanks moved to lay the resolution and amendments on the table.

The ayes and noes being called by Messrs. Jamison and Claypool,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Cowen, Duzan, Foresman, Gregory, Grubbs, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huckaby, Jones of Fountain, Kelly, Kerr, Lewis of Dearborn, McClure of Knox, McGauhey, Miller, Mooney, Nutter, Odell, Osborn, Pettit, Pomeroy, Robinson of Decatur, Rosseau, Shanks, Shelby, Shiveley, Simonson, Snook, Stapp, Stophlet, Sullivan, Tomlinson, Vandever, Walker, Whight, and Wolf—45.

Those who voted in the negative are,

Messrs. Bell, Boardman, Bradley, Brown, Bruce, Byers, Claypool, Colnis, Conduit, Davis, Endicott, Ford, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hazelrigg, Hinchman, Hodges, Huey, Jamison, Jones of Vigo, Lanius, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Switzerland, Manville, Montgomery, Nimmon, Palmer, Parker, Peek, Rich, Robinson of Carroll, Rose, Smith, Tague, Tingley, Turman, Wills, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—48.

So the resolution was not laid on the table.

The question was then taken on Mr. Stophlet's amendment to the amendment,

And it was lost.

Mr. Bradley moved to amend the amendment, by fixing the prices of corn, wheat, horses, and cattle.

Mr. Robinson of Decatur moved an indefinite postponement.

Mr. Palmer called for the previous question ;

Which was seconded by the House.

The main question was then ordered to be put, on the adoption of the resolution.

The ayes and noes being called for by Messrs. Claypool and Bell,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Blakemore, Boardman, Brown, Byers, Claypool, Colms, Conduit, Davis, Endicott, Ford, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hazelrigg, Hinchman, Hodges, Hoggatt, Howard, Huey, Jamison, Lanius, Leslie, Little, McAllister, McClure of Scott, Montgomery, Nimmon, Osborn, Peek, Pomeroy, Rich, Rose, Shively, Simonson, Smith, Tague, Tingley, Turman, Wright of Switzerland, and Mr. Speaker—45.

Those who voted in the negative are,

Messrs. Barclay, Bradley, Cowen, Duzan, Foresman, Grubbs, Hambrick, Hauser, Helwig, Herod, Heustis, Hill, Hostetter, Huckaby, Jones of Vigo, Kelley, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, McClure of Knox, McGauhey, Manville, Miller, Mooney, Nutter, Odell, Palmer, Parker, Pettit, Robinson of Decatur, Shanks, Shelby, Stapp, Stophlet, Sullivan, Tomlinson, Vandever, Walker, Wills, Whight, Wolf, and Wright of Wayne—43.

So the resolution was adopted.

On motion,

The House took up

No. 18. A bill to authorize the holding a special election in Gibson county;

Which was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Stophlet,

The House took up bill of the Senate,

No. 9. A bill relative to the fall terms of the Circuit Courts in the 12th Judicial circuit, and for other purposes;

Which was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Colms introduced,

No. 124. A joint resolution on the subject of the public lands;

Which was read the first time, and passed to a second reading.

Mr. Stapp introduced,

No. 125. A bill relating to interest;

Mr. Vandever introduced,

No. 126. A bill to abolish the office of county Auditor in the county of Orange;

Which were severally read a first time, and passed to a second reading.

Mr. Parker introduced,

No. 127. A bill to provide for the election of Secretary of State and State Librarian;

Which was read a first and second times, the rules being suspended therefor, when

Mr. Bradley moved to refer the bill to the judiciary committee, with instructions to strike out that portion of it which gives the President of the Senate power to adjourn the convention after five ballotings;

Which motion was lost.

The rules were further suspended, the bill was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gregory introduced,

No. 128. A bill to amend an act entitled an act to incorporate the Warren county Canal Company, approved January 15, 1844;

Mr. Walker introduced,

No. 129. A bill to change the name of Anna Maria Schmoll;

Mr. Smith introduced,

No. 130. A bill to repeal an act authorizing the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county;

Which were severally read a first time, and passed to a second reading.

On motion,

The House adjourned.

2 o'clock, P. M.

The House met.

The Speaker laid before the House a petition of E. J. Peck and Benjamin Cornelius, praying remuneration for their services as examiners of the State Prison;

Which was referred to the committee on claims.

Mr. Helwig introduced

No. 131. A bill repealing section 76, article 4th, chapter 15, of the school laws of the Revised Code, in the counties of De Kalb and Steuben;

Which was read a first time and ordered to a second reading.

Mr. Whight introduced

No. 132. A bill to preserve the purity of elections;

Which was read a first and second times, the rules being suspended therefor, and,

On motion by Mr. Whight,

It was referred to the committee on elections.

Mr. Robinson of Decatur introduced

No. 133. A bill to amend the 73d section of the 4th article of the 15th chapter of the Revised Statutes of 1843;

Which was read a first time and ordered to a second reading.

Mr. Wright of Switzerland, introduced

No. 134. A bill to appoint examiners of common school teachers in the county of Switzerland;

Mr. Palmer introduced

No. 135. A bill for the repair of roads in certain cases;

Mr. Rose introduced

No. 136. A bill extending the provisions of an act entitled an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to the county of Clay;

Mr. Hannah introduced

No. 137. A bill to restrict the grand jury in Franklin county to a limited time in its sessions;

Mr. Cowen introduced

No. 138. A bill to provide for the collection of delinquent taxes and liquidate the debt due from the State to the common school fund, and for other purposes;

Mr. Helwig introduced

No. 139. A bill changing the election of school trustees in the counties of De Kalb and Steuben;

Which were severally read a first time and ordered to a second reading.

Mr. Osborn introduced

No. 140. A bill relative to Chancery practice;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

Mr. Rose introduced

No. 141. A bill to provide for a uniform mode of doing township business in Clay county;

Which was read a first time and ordered to a second reading.

The orders of the day were then taken up.

No. 2. A bill providing for the loaning of the school funds of Clay and Posey counties;

No. 4. A bill relative to the appointment of the board of commissioners of Grant county to act as board of library trustees of said county, and for other purposes;

No. 7. A bill to repeal a portion of an act entitled "an act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike;"

No. 10. A bill to amend an act entitled an act to incorporate the Porter county manufacturing company, approved January 13, 1844;

No. 24. A bill to amend an act entitled an act abolishing docket fees, dispensing with final records in certain cases, approved January 28, 1844;

No. 25. A bill to change the name of James Cowdry Smith;

Which were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 56. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

Was read a third time, when

Mr. Pomeroy moved to recommit to the committee on the judiciary, with instructions to enquire into the constitutionality of the bill.

Messrs. Robinson of Carroll and Parker called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Bradley, Bruce, Byers, Claypool, Colms, Conduit, Foresman, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kelly, Kerr, Legg, Little, Miller, Odell, Parker, Pomeroy, Rosseau, Shanks, Shelby, Stophlet, Sullivan, Tingley, Tomlinson, Walker, Wright of Wayne, and Mr. Speaker—34.

Those who voted in the negative are,

Messrs. Barclay, Boardman, Brown, Cowen, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Lanius, Leslie, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, McGahey, Manville, Montgomery, Mooney, Nimmon, Nutter, Osborn, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Shively, Simonson, Smith, Snook, Stapp, Tague, Turman, Vandever, Whight, Wolf, and Wright of Switzerland—56.

So the bill was not committed.

Mr. Stapp moved to lay on the table;

Which did not prevail.

Mr. Rich moved to commit to judiciary committee with the following instructions:

To so amend the bill as that it may not refer to a special case, but so that it shall be the duty of the Probate Court in such cases as the one referred to in the memorial committed to the select committee from whence the bill originated, to give the mother, whether married or not, the charge and custody of her child where it shall appear that the welfare of the child will be consulted.

Mr. Robinson of Carroll called the previous question; when,

On motion by Mr. Rich,

The House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, DECEMBER 18, 1844.

The House met pursuant to adjournment.

Mr. Nimmon presented the petition of sundry citizens of Lagrange county, asking for a change of the laws relative to the collecting of taxes;

Which was referred to the committee on the judiciary.

Mr. Rose presented a petition from sundry citizens of Clay county, relative to a contested election;

Which was referred to the committee on elections.

Also, a petition from the same persons on the same subject;

Which was referred to the same committee.

Mr. Stapp presented a petition from Jno. R. Morledge, praying for relief;

Which was referred to the committee on canals and internal improvements.

Mr. Jones of Fountain presented the petition of Mr. Stapp, asking for relief; which,

On motion by Mr. Jones of Fountain,

Was referred, with the accompanying papers, to a select committee consisting of Messrs. Jones of Fountain, Bell, Manville, Stophlet, and Mooney.

Mr. Colms presented the petition of sundry citizens of Kosciusko county, relative to the election laws;

Which was laid on the table.

Also, a petition from citizens of Whitley and Kosciusko counties, praying for the location of a road therein named;

Which was referred to a select committee consisting of Messrs. Colms, Miller, and Shanks.

Mr. Hazelrigg presented the petition of citizens of Boone county, relative to a road therein named;

Which was referred to the committee on roads.

The Speaker laid before the House the claim of E. R. May;

Which was referred to the committee on claims.

Mr. Matlock presented a petition from sundry citizens of Hendricks county, asking for relief;

Which was referred to a select committee consisting of Messrs. Matlock, Grubbs, and Wright of Wayne.

Mr. Herod made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred a resolution of the House, directing them to enquire into the expediency of amending the fifty-third, fifty-fourth, and fifty-fifth sections of the fifth article, chapter 12, of the Revised Statutes of 1843, have had

that subject under consideration, and have directed me to report the following bill and recommend its passage;

No. 142. A bill to repeal a part of an act entitled "an act changing the time for the payment of taxes, approved January 15, 1844;"

Which was read a first time and passed to a second reading.

Mr. Smith made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House No. 58, entitled, "a bill to repeal a part of section 56, chapter 12, Revised Statutes 1843," which said bill repeals that part of said section which authorizes the Treasurers to levy and collect five per cent. damages; and also a resolution of the House upon that subject—have had the same under consideration, and have directed me to report said bill back to the House, without amendment, and recommend its passage:

No. 58. A bill to repeal a part of section 56, chapter 12, Revised Statutes 1843;

Which was read a first and second times, the rules being suspended therefor.

The question being on the engrossment,

Mr. Simonson moved to recommit with the following instructions proposed by Mr. Robinson of Decatur:

"Amend so as to require the Treasurer to pay the penalty by him levied and collected to the school commissioners of the proper county, for school funds, to be by him distributed as other school funds."

Mr. Herod called for the previous question;

Which was seconded by the House.

The question then being "Shall the main question be now put," it was decided in the affirmative.

The main question being, Shall the bill be engrossed for a third reading?

The ayes and noes were called by Messrs. Leslie and Herod.

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Boardman, Brown, Bruce, Byers, Colms, Conduit, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Gregory, Hambrick, Handy, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Legg, Leslie, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Montgomery, Nimmon, Palmer, Parker, Peek, Pomeroy, Rich, Rose, Shively, Smith, Stapp, Sullivan, Tague, Tomlinson, Turman, Vandever, Walker, Wills, Whight, Wolf, Wright of Switzerland, and Mr. Speaker—60.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bradley, Claypool, Cowen, Darrow, Foresman, Grubbs, Hannah, Heustis, Hinchman, Howard, Kelley, Kerr, Lanius, Lewis of Dearborn, Lewis of Wayne, Little, Miller, Mooney, Nutter, Odell, Osborn, Pettit, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Simonson, Snook, Stophlet, Tingley, and Wright of Wayne—33.

So the bill was ordered to be engrossed for a third reading.

Mr. Tingley, chairman of the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of the President and Trustees of the town of Greencastle, praying for relief, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage.

No. 142. A bill for the relief of the President and Trustees of the town of Greencastle, and for other purposes ;

Which was read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Lanius presented a petition from sundry citizens of Dearborn county, relative to the boundaries of that county ;

Which was referred to a select committee of Messrs. Lanius, Tingley, Robinson of Decatur, Heustis, Wright of Switzerland, and Boardman.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of one hundred and five citizens of congressional township No. 3, in range 7 east, praying that the sum of \$45 heretofore paid by Alexander Parks, deceased, upon 80 acres of land in said township, which was afterwards forfeited, may be refunded to the widow of said Parks, who is now in indigent circumstances, have directed me to report the accompanying bill, in which I am further directed to ask the concurrence of this House.

No. 144. A bill for the relief of Sintha Parks, widow of Alexander Parks, deceased ;

Which was read a first time, and passed to a second reading.

Mr. Simonson made the following report :

MR. SPEAKER :

I am directed by the committee on the State Prison, to ask the adoption of the following resolutions :

Resolved, That the five hundred copies of the report of the Superintendent, the report of the Visitors of the old prison, and the report of the Examiners of the new Prison, be printed for the use of the House of Representatives.

Resolved, That his Excellency, the Governor, be requested to lay before this House a copy of the new contract entered into with the contractors for the erection of the new State Prison, and also the report of the Superintendent of the work under said contract.

The report was concurred in, and the resolution passed.

Mr. Claypool made the following report :

MR. SPEAKER :

The committee on corporations to whom was referred the bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county, have had the subject under consideration, made one amendment thereto, to which the concurrence of the House is requested, and ask to be discharged, &c.

The following is the amendment proposed : amend by adding at the end of the bill the following, to-wit :

“The Legislature hereby reserves to itself the right of repealing this charter whenever the Company shall have violated the same.”

No. 12. A bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county ;

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Garrett made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Lucius H. Scott, in behalf of himself and others, praying a change of a certain law therein named, have had that subject under consideration, and directed me to report the following bill, and recommend its passage.

No. 145. A bill to amend an act therein named ;

Which was read a first, second, and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hoggatt made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry officers of Lawrence county, have had the same under consideration, and have directed me to report the following bill, and recommend to the House the passage of the same.

No. 146. A bill to amend the seventh article of the thirteenth chapter of the Revised Statutes ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Byers made the following report :

MR. SPEAKER :

The select committee, to whom was referred the resolution of the House to enquire whether or not the term of service of the commissioners of the seminary lands in Gibson and Monroe counties, have not expired, and if so to report a bill filling such vacancies, &c., have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 147. A bill for the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe ;

Which was read a first time, and passed to a second reading.

Mr. Miller made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of St. Joseph and Elkhart counties, praying for the location of a certain road therein named, have had the same under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 148. A bill to establish a State road on the county line between the county of St. Joseph and the county of Elkhart ;

Which was read a first, second, and third times, rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original bill of the Senate, and found the same correctly enrolled.

No. 66. An act regulating the election of President Judges.

Mr. Hambrick made the following report:

MR. SPEAKER:

The select committee to which was referred a resolution of the House enquiring into the expediency of amending the 19th section of the 12th chapter, article 7, of the Revised Statutes 1843, and repealing an act approved January 15th, 1843, have had that matter under consideration, and directed me to report the following bill and recommend its passage:

No. 149. A bill amending the 19th section of 12th chapter, article 7 of Revised Statutes 1843, and repealing an act approved January 15, 1843;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Vandever, on leave granted, introduced

No. 150. A bill to improve the navigation of Lost river;

Which was read a first and second times, rules being suspended, and ordered to be engrossed for a third reading.

On leave granted,

Mr. Huckaby introduced

No. 151. A bill declaring Deer Creek, in Perry county, a navigable stream;

Which was read a first time and ordered to a second reading.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the original bills of the Senate and find them correctly enrolled:

No. 5. An act relative to the collection of taxes in the town of Rising Sun.

No. 44. An act providing for a special term of the Shelby Circuit Court.

No. 1. An act to vacate a part of the town of Mongoquinong, in the county of Lagrange.

No. 10. An act to vacate a part of a State road in the county of Noble.

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather.

Mr. Grubbs made the following report:

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original bills of the Senate and find them correctly enrolled :

No. 28. An act to amend an act entitled an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844.

No. 8. An act to repeal the act incorporating the Draw Bridge Company of Terre Haute, in Vigo county, approved January 15, 1844.

No. 26. An act for the relief of Wilson McConnell of Elkhart county.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original bill of the House and find it correctly enrolled :

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original joint resolution of the Senate and find it correctly enrolled :

No. 11. A joint resolution reviving, in part, a certain act therein named.

The following message was received from his Excellency, the Governor, by Mr. T. B. Kinder, his private Secretary :

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House of Representatives that he has this day signed and approved the following acts :

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes ;

No. 44. An act to repeal "an act to limit the trustees of Evansville to a certain tax."

No. 5. An act providing for a special term of the Cass Circuit Court ;

All of which originated in the House of Representatives.

On leave granted,
Mr. Grubbs introduced

No. —. A bill to incorporate the New Castle band of Musicians;
Which was read a first, second and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Whight,

The House took up

No. 42. A bill to repeal a certain act therein named, so far as it relates to the county of Pike;

Which was read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Simonson introduced

No. 153. A bill fixing the times of holding courts in the Clark Probate Court, and to regulate the practice therein;

Read a first, second and third times, rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Rich,

Resolved, That the Superintendent of the Wabash and Erie Canal be requested to furnish to this House, at as early a day as possible, his report of the situation and affairs of the eastern division of said canal, and also give his reasons why he has not connected such report with that heretofore made by him upon the affairs of said canal west of Tippecanoe.

Mr. Hambrick offered the following resolution:

Resolved, 'That a select committee be appointed to enquire whether the public good does not require some reduction in the fees and salaries of many officers not included, as well as those included, in an act passed at the last session of the General Assembly reducing fees and salaries, and that said committee have leave to report by bill or otherwise;

Which was laid on the table.

On motion by Mr. Handy,

Resolved, That the committee on elections, to whom was referred the petition of Robert M. Wingate and Oliver Cromwell, citizens and electors of Clay county, charging that the Hon. A. T. Rose, the Representative of said county in the present House of Representatives, is a public defaulter, be instructed to report to this House, if any and what alterations, and when and by whom made, in the duplicate settlement sheets, records of the county board, or other paper or document pertaining in any manner to the matters and things charged in and by said petition against said Rose, and that the matters required to be hereby reported, accompany the report of said committee on the charges contained in said petition.

On motion by Mr. Huckaby,

Resolved, That the State Printer be directed to print one hundred

copies of the Adjutant General's report for the use of the members of this House, also, one hundred copies of the Quarter-Master General's report for the use of the members of this House, and that the same be made a part of the documentary journal of the House.

Mr. Pomeroy offered the following preamble and resolution, which were adopted :

WHEREAS, During the years 1836-'7-'8 and '9 a large quantity of lands were mortgaged to the sinking funds of Indiana at extravagant prices.

AND WHEREAS, A great portion of said lands have been forfeited and are now vested in said State.

AND WHEREAS, Said lands cannot be disposed of at cost, and are going to waste, and in many cases depreciating in value, therefore,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of enacting a law for the revaluation of said lands so vested in the State, by a commissioner, to be appointed for that purpose, and providing for the sale of said lands at a price corresponding with the value of lands similarly situated, and report by bill or otherwise.

On motion by Mr. Whight,

Resolved, That the committee on federal relations be instructed to report a joint resolution to this House, instructing our Senators and requesting our Representatives in Congress, to vote for a joint resolution, notifying the Government of Great Britain that it is the desire of the Government of the United States to annul and abrogate the treaty of 20th October, 1818, providing for a joint occupancy, by the two Governments, of the Oregon Territory.

Mr. Robinson of Carroll moved to suspend the order of business, and take up bill No. 66 ;

Which did not prevail.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that the Senate have passed the following resolution :

Resolved, That the Senate will, (the House of Representatives concurring therein,) proceed to the election of President Judges in the 1st, 2d, and 3d circuits on this day, at 2 o'clock, P. M.

In which the concurrence of the House is respectfully requested.

Mr. Davis and Mr. Ritchey have been appointed tellers on the part of the Senate.

Mr. Simonson moved to take up the foregoing message from the Senate.

Mr. Grubbs moved to amend, so as to take up messages in the order in which they were delivered ;

Which did not prevail.

Mr. Rich moved to adjourn.

Messrs. Palmer and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Bradley, Claypool, Gregory, Grubbs, Hambrick, Hinchman, Jamison, Kerr, Lewis of Wayne, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Osborn, Rich, Robinson of Decatur, Rosseau, Shelby, Tingley, and Tomlinson—22.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Brecount, Bruce, Byers, Colms, Conduit, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Handy, Hannab, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hodges, Hostetter, Howard, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Lanius, Legg, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Odell, Palmer, Parker, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Stopphet, Sullivan, Tague, Turman, Vandever, Walker, Wills, Whight, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—69.

So the House did not adjourn.

Mr. Tingley moved a call of the House;

Which was ordered.

All the members were found to be present except Messrs. Brecount, Conner, Fry, Hillis, Matlock, and Wilson.

On motion by Mr. Whight,

The further call was dispensed with.

On motion by Mr. Robinson of Decatur,

The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of the motion, to take up the message of the Senate;

Which was decided in the affirmative.

Mr. Rich moved to reciprocate, with the following amendment:

"Strike out two o'clock, and insert three."

Which prevailed.

Ordered, That the Senate be informed thereof.

The House then proceeded to the order of business.

Mr. Sullivan introduced,

No. 154. A joint resolution in relation to our difference with Mexico;

Mr. Conduit introduced,

No. 155. A joint resolution and memorial on the subject of the Cumberland road;

Which were severally read a first time, and ordered to a second reading.

Mr. Jones of Fountain introduced,

No. 156. A bill for the relief of Milton Stapp;

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee to which was referred a petition on the same subject.

Mr. Robinson of Decatur introduced,

No. 157. A bill providing for issuing an execution to any county in the State in certain cases;

Mr. Snook introduced,

No. 158. A bill to extend the time of holding Probate courts in Montgomery county;

Mr. Blakemore introduced,

No. 159. A bill to amend the 2d article of the 42d chapter of the Revised Statutes of 1843;

Mr. Helwig introduced,

No. 160. A bill to authorize the county Treasurer of DeKalb county to apply certain State Revenue in his hands;

Mr. Pettit introduced,

No. 161. A bill to authorize the board doing county business of the county of Miami, to do a certain act;

Which were severally read a first time, and passed to a second reading.

Mr. Matlock introduced,

No. 162. A bill for the relief of the securities of Wm. H. Darnell;

Which was read a first, second, and third times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary.

MR. SPEAKER:

The Senate have adopted a resolution in the words following:

"WHEREAS, to-morrow (Thursday) being the day set apart and proclaimed by his Excellency, the Governor, as a day of general thanksgiving throughout the State of Indiana; therefore be it

Resolved, That when the Senate adjourns, it will adjourn to meet on Friday at 9 o'clock, A. M.

Resolved, further, That the House of Representatives be informed of the adoption of this resolution.

The following message was received from the Senate, by Mr. Otto, their Secretary,

MR. SPEAKER:

The Senate have concurred in the amendment of the House to the resolution of the Senate, fixing a time for going into the election of president judges for the first, second, and third circuits.

On motion by Mr. Robinson of Carroll,

Resolved, That the Senate be and they are hereby invited into the Hall of the House of Representatives, instantler, for the purpose of electing judges of the first, second, and third judicial circuits, and that seats be provided for them on the right of the Speaker's chair.

Ordered, That the Senate be informed thereof.

Mr. Blakemore introduced

No. 163. A bill to enable certain persons therein named to hold real estate.

Which was read a first time and ordered to a second reading.

The Speaker appointed Messrs. Hodges and Hostetter as tellers to act as such in the election about to take place, for President Judges of the first, second, and third judicial circuits.

The Senate then came into the Hall of the House of Representatives, and took seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both Houses, then in convention, proceeded to ballot for president judge of the first judicial circuit ;

And on counting the votes on the first ballot it appeared that

Isaac Naylor received	-	-	-	-	-	-	71	votes.
Daniel Mace	"	-	-	-	-	-	73	"
Scattering	"	-	-	-	-	-	2	"

No person having received a majority of all the votes given, the convention proceeded to a second balloting.

When on counting the votes cast, it appeared that

Isaac Naylor received,	-	-	-	-	-	-	74	votes.
Daniel Mace	"	-	-	-	-	-	71	"
Scattering	"	-	-	-	-	-	1	vote.

Isaac Naylor having received a majority of all the votes given, was, by the President of the Senate, declared duly elected President Judge of the first judicial circuit, to serve as such for the term of seven years from and after the twenty-seventh day of January, A. D., 1845.

The convention then in like manner, proceeded to ballot for President Judge of the second judicial circuit.

When, on counting all the votes given on the first ballot, it appeared that

John H. Thompson received	-	-	-	-	-	52 votes.
Wm. T. Otto	"	-	-	-	-	48 "
Jno. W. Payne	"	-	-	-	-	34 "
Thomas L. Smith	"	-	-	-	-	1 vote.
Scattering	"	-	-	-	-	11 votes.

No person having received a majority of all the votes given, the convention proceeded to a second balloting.

When it appeared that

Wm. T. Otto received	-	-	-	-	-	65 votes.
John H. Thompson	-	-	-	-	-	50 "
John W. Payne	"	-	-	-	-	22 "
Thomas L. Smith	-	-	-	-	-	5 "
Scattering,	"	-	-	-	-	3 "

No person having received a majority of all the votes given, the convention proceeded to a third balloting.

When it appeared that

William T. Otto received	-	-	-	-	-	77 votes.
John H. Thompson	"	-	-	-	-	47 "
John W. Payne	"	-	-	-	-	14 "
Scattering	"	-	-	-	-	4 "

William T. Otto having received a majority of all the votes given was, by the President of the Senate, declared duly elected President Judge of the second judicial circuit, to serve as such for the term of seven years, from and after the thirtieth day of December, A. D., 1844.

Both Houses then proceeded in like manner to the election of President Judge of the third judicial circuit.

And on counting the votes on the first ballot, it appeared that

J. C. Eggleston received	-	-	-	-	-	11 votes.
George Holland	"	-	-	-	-	13 "
John Ryman,	"	-	-	-	-	11 "
David Macey	"	-	-	-	-	67 "
Monroe McCarty	"	-	-	-	-	2 "
Courtland Cushing	"	-	-	-	-	37 "
Scattering	"	-	-	-	-	1 vote.

No person having received a majority of the whole number of votes given, the convention proceeded to a second balloting.

When on counting the votes it appeared that

David Macey	received	-	-	-	-	-	65 votes.
Courtland Cushing	"	-	-	-	-	-	65 "
John Ryman	"	-	-	-	-	-	4 "
J. C. Eggleston	"	-	-	-	-	-	3 "
Scattering	"	-	-	-	-	-	2 "

No person having received a majority of all the votes given, the convention proceeded to a third balloting.

When on counting the votes it appeared that

Courtland Cushing	received	-	-	-	-	-	76 votes.
David Macey	"	-	-	-	-	-	61 "
Scattering	"	-	-	-	-	-	1 vote.

Courtland Cushing having received a majority of the whole number of votes given, was by the President of the Senate, declared duly elected President Judge of the third judicial circuit, to serve as such for the term of seven years from and after the eighteenth day of December, A. D., 1844.

The President then adjourned the convention sine die.

The following message was received from the Senate, by Mr. Ritchey, a member of that body.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives of the adoption of the following preamble and resolutions, and respectfully request their concurrence therein.

WHEREAS, The Hon. Noah Noble, long a distinguished, faithful and beloved public servant of Indiana, has departed this life, leaving vacant a position in public and private equally to be deplored by the State and the circle of his numerous friends; therefore,

Resolved, unanimously, That the Senate entertain the most profound regret for this melancholy event, and that they will cherish the memory of his virtuous, useful, and patriotic career as a public servant, and of his amiable and generous private life.

Resolved, unanimously, That the Senate tender the assurance of their warmest sympathies to the family of the deceased, in the deeply afflictive loss they have sustained.

Resolved, unanimously, That the Secretary notify the House of Representatives of the adoption of these resolutions, and that the President of the Senate be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved, That the Senate, in token of their respect for the memory of the Hon. Noah Noble, do now adjourn.

And on motion by Mr. Grubbs,

The preamble and resolutions were reciprocated with the following resolutions :

Resolved, unanimously, That the House entertain the most profound regret for the melancholy demise of the Hon. Noah Noble, long a distinguished, faithful and beloved public servant of Indiana, and that they will treasure the memory of his virtues, his useful and patriotic career as a public servant, and of his amiable and generous life.

Resolved, unanimously, That the House tender the assurance of their warmest sympathies to the family of the deceased in the deeply afflictive loss they have sustained.

Resolved, unanimously, That the Clerk inform the Senate of the adoption of these resolutions, and that the Speaker of this House be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved, unanimously, That the House, in token of their respect for the memory of the Hon. Noah Noble, do now adjourn.

On motion,

The House adjourned until Friday next at 9 o'clock, A. M.

FRIDAY MORNING, DECEMBER 20, 1844.

The House met pursuant to adjournment.

Mr. Anthony presented the petition of Michael Steichalman and others, for relief;

Which was referred to the judiciary committee.

Mr. Endicott presented the petition of sundry citizens of Posey county, praying for the establishment of a new county, under the name of Smith county;

Which was referred to a select committee consisting of Messrs. Endicott, Montgomery, and Walker.

Mr. Sullivan presented the petition of A. Hendricks and son, in relation to work done by them on the Madison and Indianapolis Railroad;

Which was referred to a select committee of Messrs. Sullivan, Stapp, and Rich.

Mr. Nimmon presented a petition from sundry citizens of Allen and Noble counties, praying for the location of a State road on a route therein named;

Which was referred to a select committee consisting of Messrs. Nimmon, Hostetter, and Stophlet.

Mr. Vandever presented the petition from sundry citizens of Orange county, in relation to the saline lands:

Which was referred to the judiciary committee.

Mr. Peek presented a petition from numerous citizens of Martin county, praying for a relocation of the county seat in said county;

Which was referred to the judiciary committee.

Mr. Hambrick presented a petition from divers citizens of Putnam county, praying for an additional precinct for holding elections in said county;

Which was referred to the committee on elections.

Mr. Bell presented a petition praying for the passage of a bill for the relief of Zimri Moon;

Which was referred to the committee on education.

Mr. Byers presented the petition of Jesse Daver, for relief;

Which was referred to a select committee consisting of Messrs. Byers, Whight, and Hannah.

Mr. Ford presented the petition of Wm. H. Shelton and sundry other citizens of Randolph county, on the subject of a State road;

Which was referred to a select committee of Messrs. Ford, Huey, and Darrow.

Mr. Robinson of Carroll, presented the petition of sundry citizens of Carroll county, praying for the passage of a law, confining voters to their respective townships;

Which was referred to the committee on elections.

Also, a petition from Peter O. Can and others, for relief, by divorcing him from his present wife, Martha Jane;

Which was referred to the judiciary committee.

Mr. Huey presented a petition from Samuel T. Rugg, and others of Adams and Allen counties, relative to the navigation of the St. Mary's river;

Which was referred to a select committee of Messrs. Huey, Stophlet, and Ford;

Mr. Walker presented a remonstrance from sundry citizens in Vanderburgh and Posey counties, against changing a State road therein named;

Which was laid on the table.

Mr. Huckaby presented a petition from James Boyd, relative to the sale of spirituous liquors;

Which was referred to the committee on corporations.

On motion,

The order of business was suspended, and,

Mr. Huckaby, on leave, introduced

No. 164. A bill to amend the act incorporating the American Cannel Coal Company;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

Mr. Leslie, from the committee of ways and means, made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred a resolution of the House instructing them to enquire into the expediency of a reduction of the tax on licenses generally, and especially upon licenses to vend clocks, have had that subject under consideration, and have directed me to report the following bill and recommend its passage ;

No. 165. A bill to amend the law relative to license to vend clocks ;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Pettit, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution of this House instructing an inquiry into the expediency of so changing the law in relation to Prosecuting Attorneys, as to make one elective in each county by the people thereof, have instructed me to report the accompanying bill and recommend its passage :

No. 166. A bill in relation to Prosecuting Attorneys and their duties ;

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Byers, from a select committee, made the following report :

MR. SPEAKER :

The committee, to which was referred the petition of Robert Harbison of Monroe county, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage :

No. 167. A bill for the relief of Robert Harbison ;

Which was read a first time and ordered to a second reading on to-morrow.

RESOLUTIONS.

On motion by Mr. Lanius,

Resolved, That the Auditor of State be requested to report to this House, at the earliest practicable period, by what law or authority he assessed a road tax on Bank Stock in the several Branches of the State Bank of Indiana, and what disposition has been made of the tax so assessed and collected.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER:

The Senate has passed, without amendment, engrossed bills of the House entitled as follows:

No. 27. An act for the relief of Jacob Aughee, of Warren county.

No. 9. An act to change the name of the town of Palestine to that of Poseyville.

The following message was received from the Senate by Mr. Edmonson, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed an engrossed bill of the House, (No. 18,) without amendment:

No. 18. An act to authorize the holding a special election in Gibson county.

Mr. Colms offered the following resolution:

Resolved, That the committee on the State Bank enquire into the expediency of reporting a bill to this House, extending to said Bank the privilege of issuing small bills of the denomination of one and two dollars, during the continuance of its charter, not to exceed in amount the sum of one million of dollars.

Mr. Whight moved that said resolution do lie on the table.

And the ayes and noes being demanded by Messrs. Whight and Byers,

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Boardman, Bradley, Byers, Davis, Duzan, Endicott, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Tague, Tomlinson, Turman, Vandever, Walker, Whight, Wright of Switzerland, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Barclay, Bell, Brown, Bruce, Claypool, Colms, Conduit, Conner, Darrow, Ford, Foresman, Grubbs, Hazelrigg, Hinchman, Huckaby, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Stapp,

Stophlet, Sullivan, Tingley, Wills, Wolf, and Wright of Wayne—40.

So the resolution was laid on the table.

On motion by Mr. Hodges,

The House took up

No. 77. A bill to amend an act providing for the loaning of the school funds of Vigo county ;

Which was read a second time, and, the rules being suspended therefor, was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Leslie offered the following resolution :

Resolved, That the committee on the State Prison be instructed to enquire into the expediency of providing by law, a competency for each prisoner when discharged from said prison, in clothing and money, sufficient to sustain such discharged person until he shall have sufficient time to engage in some honest employment.

Mr. Wills moved to amend, so as to read “a sufficiency of money and means that may clothe and sustain them for one week.”

Mr. Hambrick moved to lay the resolution and amendment on the table ;

And the ayes and noes being demanded by Messrs. Hambrick and Leslie,

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Byers, Claypool, Colms, Conner, Cowen, Duzan, Ford, Fuller, Hambrick, Hauser, Hill, Huey, Lewis of Dearborn, McAllister, McClure of Knox, Montgomery, Nimmon, Nutter, Robinson of Decatur, Tague, Walker, and Whight—24.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Boardman, Bradley, Brecount, Brown, Darrow, Davis, Endicott, Foresman, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hazelrigg, Helwig, Herod, Heustis, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Scott, Matlock, Miller, Mooney, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Vandever, Wills, Wolf, Wright of Wayne, Wright of Switzerland, and Mr. Speaker—65.

So it did not lay on the table.

The question was then taken on the amendment of Mr. Wills ;

Which was lost.

Mr. Foresman moved to amend by striking out and inserting in the proper place “sufficient means to enable them to get home again.”

The previous question was then called by Mr. Whight and seconded by the House.

The question then being, "Shall the main question be now put?"

It was decided in the affirmative.

The main question then being put, "Shall the resolution be adopted?"

And the ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Boardman, Bradley, Brown, Bruce, Claypool, Darrow, Davis, Endicott, Foresman, Garrett, Gregory, Grubbs, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Scott, McGauhey, Matlock, Miller, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shanks, Shelby, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Vandever, Wolf, Wright of Wayne, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Blakemore, Byers, Colms, Conner, Duzan, Ford, Fuller, Hambrick, Handy, Hill, Huey, Kelley, Lewis of Dearborn, McAllister, McClure of Knox, Montgomery, Nimmon, Nutter, Robinson of Decatur, Tague, Walker, Wills, Whight, and Wright of Switzerland—24.

So the resolution was adopted.

Mr. Barclay offered the following preamble and resolution :

WHEREAS, B. M. Patton, Esq., Principal of the Kentucky Institution for the Education of the Blind, is on a visit to this city, with three of his pupils, for the purpose of increasing the interest towards the Blind of this State. Therefore, be it

Resolved, That Mr. Patton be invited to have an Exhibition of the improvement and attainments of his pupils this evening at early candle lighting in this House ;

Which was adopted.

Mr. Huey offered the following resolution :

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending our present revenue law, as to exempt one hundred and twenty-five dollars worth of property from taxation for State and county purposes, and report by bill or otherwise ;

Which was not adopted.

Mr. Whight offered the following resolution :

Resolved, That the committee on the State Prison, to whom was referred a resolution enquiring into the propriety of allowing the

convicts, when discharged from said prison, an amount of money and clothing sufficient to last them until they can get into honest employment, enquire also into the expediency of charging the amount of the said clothing and money to the county sending the said convicts to said prison.

Which was not adopted.

Mr. Shively offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill to this House, providing such alterations, amendments, or modification of the relief laws as, in the opinion of the committee, the good of the country requires.

Which was not adopted.

Mr. Wright of Switzerland introduced

No. 168. A bill to repeal an act therein named ;

Which was read a first time and passed to a second reading.

Mr. Hardin introduced,

No. 169. A bill to modify the 30th section of chapter 16, of the Revised Statutes ;

Which was read a first and second times, rules being suspended, and referred to the committee on roads.

Mr. Stapp introduced,

No. 170. A bill relating to a contractor on the Madison and Indianapolis Railroad ;

Which was read a first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

Mr. Barclay introduced

No. 171. A bill in relation to justices and other officers in Laporte county ;

Mr. Rose introduced

No. 172. A bill authorizing the election of a county auditor in Clay county ;

Mr. Jones of Fountain introduced

No. 173. A bill to amend the Revised Statutes, section 63, page 170 ;

Mr. Darrow introduced

No. 174. A bill authorizing a change in the application of Water Power at dam No. 1, near the forks of the Wabash ;

Mr. Conner introduced

No. 175. A bill fixing a certain annual compensation to the Auditor of Hamilton county ;

Which were severally read a first time, and ordered to a second reading.

Mr. Shively introduced

No. 176. A bill for the relief of Henry Peirce ;

Which was read a first and second times, the rules being suspended, and referred to the judiciary committee.

Mr. Tingley introduced

No. 177. A bill providing for the distribution of the saline fund,

Indianapolis fund, Treasury fund, and funds belonging to estates without heirs ;

Which was read a first and second times, the rules being suspended, and referred to the committee on education.

Mr. Stapp introduced

No. 178. A bill to encourage manufacturers ;

Which was read a first and second times, the rules being suspended, and referred to the committee on corporations, and one hundred copies of the bill ordered to be printed for the use of the House.

Mr. Blakemore introduced

No. 179. A bill to legalize certain proceedings in the Probate Court of Carroll county ;

Which was read a first time, and passed to a second reading.

Mr. Handy introduced

No. 180. A bill fixing the time of holding courts in the fifth judicial circuit ;

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee consisting of Messrs. Handy, Hardin, Herod, Hazelrigg, Tague, Matlock, Conner, Jamison, Bruce, and Duzan.

Mr. Stapp introduced

No. 181. A bill relating to the selling of clocks and other property by religious or education societies ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on ways and means.

The House then passed to the orders of the day.

Mr. Herod moved to suspend previous orders, and take up bills on their second reading ;

Which did not prevail.

On motion by Mr. Pettit,

The report in relation to the burnt records of Miami county with the accompanying bill was taken up.

No. 67. A bill for the restoration of the burnt records of Miami county.

On motion,

The House adjourned until 2 o'clock. P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of bill No. 67.

Mr. Tingley moved the following amendment ;

Amend by striking out all of the latter part of the first clause of section 44, from the word State, so as to make it read,

"County treasury in the same manner that Associate Judges are paid."

Amend said section by adding to the end of the same the following:

"Provided, however, that the Probate Judge of said county for the length of time at any and all sessions of said Probate Court, that he may sit to revive probate matters under the provisions of this act, shall be allowed three dollars per day, payable out of the county treasury as Associate Judges are paid."

Mr. Wright of Switzerland moved the following amendment to the amendment:

The President Judge of the 8th judicial circuit shall receive such compensation for services as the board doing county business for said county may allow.

Which was adopted.

The amendment as amended was then adopted.

Mr. Parker moved to re-commit to the committee on the judiciary with instructions to strike out all after the enacting clause, and insert a new bill in lieu thereof.

Mr. Hodges called for a division of the question.

The question then being on committing the bill,

Messrs. Gregory and Little demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Conner, Foresman, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Parker, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stophlet, Tingley, Tomlinson, Wright of Wayne, and Mr. Speaker—34.

Those who voted in the negative are,

Messrs. Anthony, Brown, Byers, Colms, Conduit, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelly, Lanius, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Mooney, Odell, Palmer, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Stapp, Sullivan, Tague, Turman, Vandever, Walker, Wills, Whight, Wolf, and Wright of Switzerland—57.

So the bill was not recommitted.

Mr. Tingley moved a call of the House;

Which did not prevail.

Mr. Blakemore moved to lay on the table.

Messrs. Palmer and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Boardman, Bradley, Bruce, Claypool, Conduit, Conner, Ford, Foresman, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Rosseau, Shelby, Smith, Stophlet, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Anthony, Brown, Byers, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Garrett, Hambrick, Handy, Hardin, Hannah, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shively, Simonson, Snook, Stapp, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—50.

So the motion was lost.

The question then being, Shall the bill be engrossed for a third reading.

Messrs. Tingley and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Mooney, Nimmon, Odell, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Tague, Turman, Vandever, Walker, Wills, Whight, and Wright of Switzerland—44.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Conduit, Conner, Foresman, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nutter, Parker, Rich, Robinson of Decatur, Rosseau, Shelby, Stophlet, Tingley, Tomlinson, Wolf, Wright of Wayne, and Mr. Speaker—38.

So the bill was ordered to be engrossed.

The House proceeded with the orders of the day, which was

No. 66. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county.

The question pending the last adjournment being, Shall the previous question be seconded?

Was decided in the affirmative.

The House decided that the main question shall now be put;

It being, Shall the bill pass?

Messrs. Tingley and Rose called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bradley, Brown, Conduit, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Matlock, Montgomery, Mooney, Nimmon, Osborn, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Shively, Simonson, Snook, Stapp, Stophlet, Tague, Turman, Vandever, Wills, Whight, Wolf, Wright of Switzerland, and Mr. Speaker—55.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Byers, Claypool, Colms, Conner, Foresman, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McGauhey, Miller, Parker, Rosseau, Shelby, Smith, Sullivan, Tingley, Tomlinson, and Wright of Wayne—30.

So the bill was passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley moved to reconsider the vote just taken on the passage of bill No. 66.

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Bradley, Bruce, Byers, Claypool, Colms, Darrow, Foresman, Grubbs, Herod, Hinchman, Huckaby, Jamison, Kelly, Kerr, Legg, Leslie, Lewis of Wayne, Little, McGauhey, Miller, Odell, Parker, Rich, Rosseau, Shelby, Smith, Sullivan, Tingley, Tomlinson, Wright of Wayne, and Mr. Speaker—35.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Brown, Conduit, Conner, Cowen, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Lanius, Lewis of Dearborn, McAllister, McClure of Knox, McClure of Scott, Mont-

gomery, Mooney, Nimmon, Osborn, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shively, Simonson, Snook, Stapp, Tague, Turman, Vandever, Walker, Whight, Wolf, and Wright of Switzerland—55.

So the House refused to reconsider said vote.

On motion,

The House adjourned.

SATURDAY MORNING, DECEMBER 21, 1844.

The House met pursuant to adjournment.

On motion by Mr. Whight,

Messrs. Byers and Rose were added to the select committee to which was referred a petition of sundry citizens of Pike county, praying for an addition of territory to said county.

George P. R. Wilson, a member of this House from Harrison county, came forward, produced his credentials, and was sworn into office by the Speaker.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER :

The Senate has passed engrossed bill of the House No. 162, entitled "an act for the relief of the securities of Wm. H. Darnell," with one amendment;

In which amendment I am directed to ask, respectfully, the concurrence of this House.

The House concurred in the amendment of the Senate.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER :

I am instructed to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College;

In which the concurrence of the House of Representatives is respectfully requested.

No 95. A bill in the above message mentioned,
Was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have concurred in the amendments of the House of Representatives to engrossed bills of the Senate, entitled,

No. 29. An act to amend an act authorizing the election of supervisors of roads in Decatur county;

No. 15. An act to extend the time of holding the May term of the Decatur Circuit court;

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, entitled,

No. 34. An act to amend an act entitled "An act amendatory to the charter of Michigan City," approved February 15th, 1841.

The Senate has also passed engrossed bills thereof, as follows, to-wit:

No. 3. An act supplemental to an act entitled an act for the relief of Nathan Burchfield, approved February 11, 1843;

No. 13. An act to provide for the inspection of whiskey, and for other purposes;

No. 14. An act to legalize certain proceedings therein named:

No. 16. An act to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 18, 1840;

No. 19. An act to authorize the Treasurer of Dubois county to perform the duties of School Commissioner;

No. 20. An act to authorize the board of Commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 27. An act to revive and amend an act, entitled "An act to incorporate the Richmond and Boston turnpike company, approved February 15, 1839;

No. 30. An act to regulate the pay of grand and petit jurors;

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

No. 33. An act to repeal in part, an act entitled, "An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court," approved January 15, 1844;

No. 34. A joint resolution in relation to the improvement of the Wabash river;

No. 35. A bill to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner;

No. 42. An act to extend certain privileges in an act herein named;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 47. An act to incorporate a Presbyterian church in Wells county;

No. 48. An act to ratify the proceedings of the common council of Fort Wayne;

No. 50. An act to incorporate the German Military Band of Indianapolis;

No. 52. An act to change the time of holding Probate courts in Dearborn county;

No. 53. An act to legalize the proceedings of the board of county commissioners of Daviess county;

No. 57. An act fixing the time of holding the terms of the Probate court in Marion county, and for other purposes;

No. 58. An act fixing the time of holding the Circuit courts in the second judicial circuit;

No. 59. An act for the relief of the heirs of Peter Reibold, deceased;

No. 62. An act to restrict the county commissioners in the counties of Lagrange and Noble, in levying a tax, to fifty cents on the one hundred dollars' valuation;

No. 63. An act to establish an additional place of holding elections in Lafayette township, Floyd county;

No. 67. An act to amend an act, entitled an act authorizing the sale of certain lands in Dubois county;

No. 69. An act to extend the June term of the board doing county business, in the county of Randolph;

No. 70. An act to locate a State road in Allen county;

No. 71. An act in relation to sales of real estate by executors and administrators;

No. 75. An act to provide for erecting a bridge across Laughery creek in Ripley county;

No. 79. An act to repeal an act entitled, "An act for the better improvement of the important State roads in the counties of Allen, De Kalb, Noble, Huntington, and Wells," approved January 15, 1844;

No. 84. An act to alter the times of holding the Circuit courts in the county of Marion;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 91. An act to amend an act entitled, "An act to locate certain State roads herein named, and for other purposes," approved January 15, 1844;

No. 92. An act to amend an act therein named.

In which engrossed bills I am directed to ask respectfully the concurrence of the House of Representatives.

Bills No. 3, 13, 16, 19, 20, 33, 47, 48, 50, 42, 52, 53, 58, 62, 67, 69, 70, 71, 79, and 92, in the above message mentioned, were severally read a first time, and ordered to a second reading.

Bill No. 14, in said message, was read a first and second times, the rules being suspended therefor, and referred to the committee on canals and internal improvements.

Bill No. 27, in said message, was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

Bill No. 30, in said message, was read a first and second times, the rules being suspended therefor.

On motion by Mr. Herod,

The bill was amended as follows:

Strike out from the provisions of said bill the county of Bartholomew.

On motion by Mr. Tague,

The bill was so amended, as to insert the county of Hancock, limiting the pay of jurors to seventy-five cents per day.

On motion by Mr. Hazelrigg,

The bill was referred to the judiciary committee.

Mr. Colms moved the following instructions:

Amend, so as to allow one dollar and twenty-five cents in the counties of Kosciusko and Whitley;

Which did not prevail.

Mr. Huey moved to instruct so to amend, as to allow jurors in Jay and Adams one dollar and twenty-five cents.

Mr. Walker moved to amend instructions so as to strike out the names of the counties;

Which did not prevail.

So the instructions were then lost.

Joint resolution No. 31, in said foregoing message, was read a first time, and ordered to a second reading.

Joint resolution No. 34, in said message, was read a first time, and ordered to a second reading.

Bill No. 35, in said message, was read a first and second times, the rules being suspended therefor, and ordered to a third reading.

Bills No. 45, 57, 59, 85, 84, and 91, in said message, were severally read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Bill No. 63, in said message, was read a first and second times, the rules being suspended therefor, and referred to a select committee, consisting of Messrs. Wolf, Pettit, and Hodges.

Bill No. 75, in said message, was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill thereof, entitled as follows,

No. 39. An act to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and for other purposes ;

In which I am directed to ask respectfully the concurrence of the House of Representatives.

Bill No. 39, in said message mentioned, was read a first time, and ordered to a second reading.

The following message was received from the Senate, by Mr. Otto, their Secretary.

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives entitled

No. 78. An act for the relief of Daniel Wise ;

With one amendment ;

In which I am directed to ask respectfully the concurrence of this House.

The Senate have passed, without amendment, engrossed bills of the House of Representatives, entitled as follows :

No. 10. An act to amend an act entitled "an act to incorporate the Porter county manufacturing company ;"

No. 17. An act to change the time of holding probate courts in the county of Daviess ;

No. 22. An act to extend the time of the county board of Jefferson county :

No. 26. An act relating to Jackson township, in Washington county :

The Senate have passed engrossed bills thereof, entitled as follows :

No. 38. An act for the relief of Francis Linch and Bayless Bennett of Vanderburgh county ;

No. 40. An act to repeal an act entitled 'an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes;' approved December 29, 1841, so far as relates to Jackson county ;

No. 74. An act providing compensation to supervisors of roads and highways ;

No. 82. An act relative to the office of county treasurer ;

No. 83. An act to locate a State road in the county of Switzerland ;

In which I am directed to ask respectfully the concurrence of this House.

On motion by Mr. Bell,

The House refused to concur in the amendment of the Senate to bill of the House, (contained in the above message) entitled

No. 78. An act for the relief of Daniel Wise :

Ordered, That the Clerk inform the Senate thereof.

Bill No. 40, in the foregoing message, was read a first and second times, the rules being suspended therefor.

On motion by Mr. Herod,

The bill was amended as follows:

In the eighth line of the first section, strike out all after the words "so far as," and insert the following words, "relates to the counties of Jackson and Bartholomew."

In the third line of the second section, strike out the words "county of Jackson," and insert the word "counties."

When the bill was ordered to be engrossed for a third reading.

Bill No. 74 in said message was read a first and second times, the rules being suspended therefor: when

Mr. Hodges moved to lay it on the table;

Which motion was lost.

On motion by Mr. Simonson,

It was referred to the committee on roads.

Bill No. 82 in said message, was read a first time, and ordered to a second reading.

Bill No. 83 in said message, was read a first and second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Simonson,

Bill No. 82 of the Senate, was taken up, read a second time, and referred to the committee on the judiciary.

Mr. Robinson of Carroll moved to suspend further orders of the day, and take up orders of business;

Which did not prevail.

ORDERS OF THE DAY.

No. 12. A bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Bill No. 58, to repeal a part of section 56, of Chapter 12, of Revised Statutes of 1843;

Was read a third time; when

Mr. Simonson moved to recommit with instruction to amend, so as to provide for the payment of the penalty of five per cent. to the common school fund.

Mr. Herod called the previous question,

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

Was decided in the affirmative.

On the main question,

"Shall the bill pass?"

Messrs. Herod and Robinson of Carroll called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Boardman, Brown, Bruce, Byers, Colms, Conduit, Conner, Duzan, Endicott, Ford, Fuller, Garrett, Gregory, Hambrick, Hardin, Hauser, Hazelrigg, Herod, Hill, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Legg, Leslie, Lewis of Wayne, McAllister, McClure of Knox, McGauhey, Montgomery, Nimmon, Palmer, Parker, Peek, Pomeroy, Rich, Rose, Rosseau, Smith, Stapp, Tague, Tomlinson, Turman, Vandever, Wills, Whight, Wolf, Wright of Wayne, and Mr. Speaker—54.

Those who voted in the negative are,

Messrs. Barclay, Bradley, Claypool, Cowen, Darrow, Davis, Foresman, Grubbs, Hannah, Heustis, Hinchman, Howard, Jones of Fountain, Kelley, Kerr, Lanius, Lewis of Dearborn, Little, McClure of Scott, Miller, Mooney, Nutter, Odell, Osborn, Pettit, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Shively, Simonson, Snook, Stophlet, Tingley, Walker, and Wright of Switzerland—36.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Little made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled, with the original bill of the Senate, and find it correctly enrolled:

No. 23. An act to re-charter Hanover College.

On motion by Mr. Pomeroy,

The House adjourned until Monday next, at 9 o'clock, A. M.

MONDAY MORNING, DECEMBER 23, 1844.

The House met pursuant to adjournment.

Mr. Shanks gave notice that on to-morrow he would offer the following resolution:

Resolved, That the House will, at 2 o'clock of each day, take up

the orders of the day, if not arrived at before in the order of business.

The Speaker laid before the House the following report from E. F. Lucas, General Superintendent of Wabash and Erie Canal:

INDIANAPOLIS, *December 20, 1844.*

To the Honorable the

House of Representatives:

The undersigned, General Superintendent of the Wabash and Erie Canal, has the honor to acknowledge the receipt of the following resolution:

“Resolved, That the Superintendent of the Wabash and Erie Canal be requested to furnish to this House, at as early a day as possible, his report of the situation and affairs of the eastern division of said canal; and also give his reasons why he has not connected such report with that heretofore made by him upon the affairs of said canal west of Tippecanoe.”

To the first request I respectfully beg leave to reply, that owing to the great quantity of business that was necessarily to be done in the Land Office of that division, the clerks were unable to make up the accounts and transmit them to this place prior to the 12th instant, since which time I have been busily engaged in preparing the report, and will be able (should nothing happen more than I know of at this time,) to lay it before the House on Monday next.

To the latter clause of the resolution I have to answer, that before I obtained the materials for the report on the “eastern division” I had prepared the report for the western division, and at the special instance and request of the friends of the extension, it was submitted without intending any disrespect.

Respectfully,

E. F. LUCAS.

Which,

On motion by Mr. Robinson of Carroll,
Was laid on the table.

The Speaker laid before the House two remonstrances from sundry citizens of Clark county, in relation to the retailing of spirituous liquors in the town of Charlestown;

Which were referred to a select committee consisting of Messrs. Robinson of Carroll, Simonson, and —.

Mr. Brecount presented a petition from William Sills, for relief;

Which was referred to the committee on canals and internal improvements.

Mr. Herod presented the petition of sundry citizens of Bartholomew county, in relation to the Treasurer of that county;

Which was referred to a select committee consisting of Messrs. Herod, Blakemore, and Wright of Switzerland.

Mr. Snook presented the petition of Israel T. Canby, for relief;

Which was referred to a select committee consisting of Messrs. Snook, McGauhey, and Odell.

Also, a petition from sundry citizens of Montgomery county, praying for the passage of a law confining voters to their respective townships;

Which was referred to the committee on elections.

Mr. Jones of Vigo, presented a petition from sundry citizens of Vigo county, asking for an increase of the pay for grand and petit jurors in said county;

Which was referred to a select committee consisting of Messrs. Jones of Vigo, Pettit, and Helwig.

Mr. Barclay presented a petition from sundry citizens of Laporte county, relative to licenses for the sale of clocks;

Which was laid on the table.

Mr. Walker presented a remonstrance from sundry citizens of Vanderburgh and Posey counties, against the change of a State road therein named;

Which was laid on the table.

Mr. Stapp presented a petition from citizens of Jefferson county, relative to the seizure and detention of slaves in this State;

Which was referred to the judiciary committee.

Mr. Blakemore presented a petition from sundry citizens in Richardville county, relative to a State road therein named;

Which was referred to a select committee consisting of Messrs. Blakemore, Shively, and Robinson of Carroll.

Mr. Bruce presented a petition from sundry citizens of Marion county, for relief;

Which was referred to a select committee consisting of Messrs. Bruce, Conduit, and Hostetter.

Mr. Pettit presented a petition of last year from sundry citizens of Miami county, relative to the burned records of said county;

Which was laid on the table.

Mr. Hazelrigg presented a petition from sundry citizens of Boone and Hamilton counties, praying for the incorporation of a company for the improvement of a portion of the Michigan road;

Which was referred to the committee on corporations.

Also, a petition from citizens of Boone county, relative to the jurisdiction of Justices of the Peace;

Which was referred to the judiciary committee.

Mr. Peek presented a petition from sundry citizens of Martin county, relative to the mode of doing county business in said county;

Which was referred to the judiciary committee.

Mr. McClure of Scott, presented the petition of Peter Everhard and others, praying for relief;

Which was referred to the committee on education.

Mr. Robinson of Carroll, presented a petition from John Smith, for relief;

Which was referred to the committee on claims.

Mr. Robinson of Decatur, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the petition of sundry citizens of Warren township, Putnam county, praying for an additional place of holding elections in said township, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 182. A bill, in the above report mentioned, to establish an additional place of holding elections in Warren township in Putnam county;

Was read a first and second times, the rules being suspended therefor, considered engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson of Decatur, made the following report:

MR. SPEAKER:

The committee on elections directed me to report that, in obedience to the order of this House, the following persons have attended from day to day, and have been sworn and examined as witnesses before said committee, in the case of the contested seat of Hon. Allen T. Rose, member of this House, for the following number of days, being the time they have severally been in attendance and the time necessarily employed in travelling to and returning from the Capitol, as follows:

William L. Shields, John Sala, jr., Sipple Harvey, John Johnson, D. E. Williams, John Yocum, and D. R. Eckles, eleven days each; William Dyer, nine days; D. O. Elliott, thirteen days, and J. Williams, six days.

I am directed further to report, that the following named persons, in obedience to the orders of this House, have been in attendance from day to day as witnesses of the Hon. A. T. Rose, and have been discharged without being sworn or examined as such, claim for the following number of days necessarily employed by them in travelling to and from the capital as follows, to-wit: A. W. Lacock, ten days, T. Harvey, G. Pinkney, J. Melton, J. S. Beaud, Jr., M. Sutton, eleven days each, and T. E. F. Banes ten days; said committee hath directed me to report the following resolution:

Resolved, That the foregoing persons each be allowed the sum of two dollars per day for each day by them severally above claimed, that the auditor be directed to audit the same, and the treasurer pay

the same out of any money in the treasury not otherwise appropriated.

On motion by Mr. Stapp,

The report and resolution was referred to the committee on claims with instructions to report a bill in accordance with the recommendations therein.

Mr. Herod made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House No. 181, relative to selling clocks and other property by religious and educational societies, have had the same under consideration, and have directed me to report said bill back to the House with an amendment thereto, and recommend its passage.

The amendment was concurred in.

No. 181. A bill, in the above report mentioned, relative to the selling clocks and other property by religious or educational societies; Was considered engrossed, the rules suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Robinson of Decatur offered the following resolution:

Resolved, That William S. Roberts be allowed ——— dollars for seventeen days' services of himself and horse in summoning witnesses to appear before the committee on elections, in the case of the contested seat of Hon. A. T. Rose, that the Auditor audit said claims, and the Treasurer of State pay the same out of any money in the treasury not otherwise appropriated.

On motion by Mr. Simonson,

It was referred to the committee on claims.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have examined the following enrolled with the original bill of the House, and find the same correctly enrolled.

No. 34. An act to amend "An act amendatory to the charter of Michigan City," approved February 15, 1841.

Mr. Herod made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a petition of sundry citizens of Owen county relative to exempting revolutionary soldiers and soldiers of the late war from taxation, have

had that subject under consideration, and have directed me to report that, in the opinion of said committee, it is inexpedient to legislate upon that subject at the present time, and they ask to be discharged from the consideration thereof.

The House concurred in the report.

Mr. Herod made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred the memorial of George H. Dunn and accompanying papers, have had the same under consideration, and a majority of said committee have directed me to report the following joint resolution and recommend its passage. Mr. Vandever and Mr. White dissent from the above report.

No. 183. A joint resolution for the relief of George H. Dunn;
Was read a first time, and ordered to a second reading.

Mr. Tingley made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of Priscilla Lazenby and others, praying for relief, have had the same under consideration, and instructed me to report the following bill, and recommend its passage:

No. 184. A bill, in above report mentioned, for the relief of Priscilla Lazenby and others;

Was read a first time, and ordered to a second reading.

Mr. Pomeroy made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred a bill "To amend the several acts now in force relative to the discharge of the duties of School Commissioners," have had the same under consideration, and respectfully report the same back to the House with an amendment, striking out from the enacting clause and insert the accompanying substitute in lieu thereof, and recommend the passage of the bill as amended:

No. 16. A bill to amend the general act now in force relative to the discharge of the duties of School Commissioners.

The amendment was concurred in, the rules suspended, the bill considered engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred three several petitions signed by John Good, Henry Smelcer and sundry citizens of the county of Boone, have had the said several petitions under consideration, and believe it inexpedient to legislate upon the same, inasmuch as the said petitions have a full and adequate remedy at law, under the laws now in force in the State of Indiana.

The House concurred in the report.

Mr. Colms made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House No. 52, entitled a "*Bill authorizing a Convention to be called, to alter, amend, and change the Constitution,*" have had the matter under consideration, and directed me to report the same back to the House, and recommend its passage.

No. 52. A bill authorizing a convention to be called to alter, amend, or change the Constitution.

Mr. Claypool moved to recommit to the committee on the judiciary, with instructions, so to amend it as to submit the isolated question of biennial sessions of the General Assembly, and not interfere with any other constitutional provisions, and that the time of meeting of the General Assembly to be on the 1st of January, and that all elections shall be viva voce.

Mr. Huckaby moved to lay the bill and instructions on the table ;

On which the ayes and noes were demanded by Messrs. Gregory and Claypool.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Conner, Cowen, Darrow, Duzan, Endicott, Foresman, Fuller, Gregory, Grubbs, Hambrick, Hannah, Hauser, Heustis, Hoggatt, Hostetter, Huckaby, Jones of Fountain, Kerr, Lanius, Legg, Lewis of Wayne, McClure of Knox, McGauhey, Manyille, Montgomery, Nimmon, Odell, Pettit, Robinson of Decatur, Rosseau, Shelby, Snook, Stapp, Tingley, Tomlinson, Whight, and Wright of Wayne—41.

Those who voted in the negative are,

Messrs. Bell, Boardman, Brecount, Bruce, Byers, Claypool, Colms, Conduit, Davis, Ford, Garrett, Hardin, Hazelrigg, Helwig, Herod,

Hinchman, Hodges, Howard, Huey, Jamison, Jones of Vigo, Kelley, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Scott, Miller, Mooney, Nutter, Osborn, Palmer, Parker, Peek, Pomeroy, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Stopplet, Sullivan, Tague, Turman, Vandever, Walker, Wills, Wilson, Wolf, Wright of Switzerland, and Mr. Speaker—53.

So the motion was lost.

On motion,

The House adjourned until 2 o'clock. P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of bill No. 52.

After considerable discussion,

The previous question was called by Mr. Jamison,

But was not seconded.

Mr. Huckaby moved to indefinitely postpone the whole matter.

On which question,

Messrs. Huckaby and Gregory called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Brecount, Byers, Conner, Cowen, Darrow, Endicott, Foresman, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hauser, Heustis, Hinchman, Hodges, Hostetter, Huckaby, Jones of Fountain, Jones of Vigo, Kerr, Lanius, Legg, Lewis of Wayne, McClure of Knox, McGauhey, Manville, Montgomery, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Snook, Stopplet, Tingley, Tomlinson, Whight, Wright of Wayne, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Bell, Boardman, Brown, Bruce, Claypool, Colms, Conduit, Duzan, Ford, Hannah, Hardin, Hazelrigg, Helwig, Herod, Hoggatt, Howard, Huey, Jamison, Kelley, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Scott, Mooney, Nimmon, Nutter, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Stapp, Sullivan, Tague, Turman, Vandever, Walker, Wills, Wilson, Wolf, and Wright of Switzerland—47.

So the bill was not indefinitely postponed.

Mr. Tague moved to amend the instructions by striking out bienial and inserting triennial ;

Which did not prevail.

A division of the question being called for,

The question was on re-committing the bill ;

Which was decided in the affirmative.

The question then recurring on the instructions offered by Mr. Claypool,

The ayes and noes were demanded by Messrs. Palmer and Whight.

Those who voted in the affirmative are,

Messrs. Barclay, Bruce, Claypool, Conduit, Conner, Cowen, Duzan, Endicott, Ford, Fuller, Garrett, Grubbs, Hauser, Herod, Hinchman, Hodges, Hoggatt, Howard, Huey, Jamison, Kerr, Lewis of Wayne, McAllister, McGauhey, Manville, Montgomery, Nimmon, Nutter, Odell, Robinson of Decatur, Shelby, Simonson, Snook, Stapp, Stophlet, Tague, Tomlinson, Vandever, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—40.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Brown, Bruce, Colms, Darrow, Davis, Foresman, Gregory, Hambrick, Hannah, Hardin, Hazelrigg, Helwig, Heustis, Hostetter, Huckaby, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Legg, Leslie, Lewis of Dearborn, Little, McClure of Knox, McClure of Scott, Miller, Mooney, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shanks, Shively, Smith, Sullivan, Tingley, Turman, Walker, Wills, Whight, Wilson, and Wolf—49.

So the instructions were not adopted.

Mr. Hazelrigg moved the following instructions :

1st. To strike out the preamble.

2nd. Strike from the last part of the first section, the following words—" for the purpose of amending the constitution of the State as set forth in the preamble ;"

Which were adopted.

Mr. Osborn made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution instructing said committee to report a bill allowing a bounty on wolf scalps to be paid out of the county treasury where the wolf shall be taken and killed, have, in obedience to said resolution, directed me to report the following bill, and recommend its passage.

No. 185. A bill to allow a bounty on wolf scalps, in above report,

Was read the first time, and ordered to a second reading.

Mr. Pettit made the following report :

MR. SPEAKER :

The judiciary committee, to which was referred a petition of sundry citizens of Perry county, praying that a portion of its territory might be attached to the county of Crawford, and also the remonstrance of sundry other citizens of the county of Perry, in opposition to the application, have instructed me to report that they have considered the same, and deem legislative action inexpedient; they therefore ask to be discharged from the further consideration of the subject.

On motion by Mr. Brown,

The report and accompanying documents were referred to a select committee consisting of Messrs. Brown, Vandever, and Shanks.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution of this House, instructing them to report to this House a bill, providing for an enumeration of the white male inhabitants above the age of twenty-one years, to enable the next General Assembly to apportion the Senators and Representatives in proportion to such enumeration, have had the same under consideration, and instructed me to report the accompanying bill, and recommend its passage.

No. 186. A bill requiring an enumeration of the white male inhabitants of this State ;

Was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a bill for the relief of the State of Indiana, and for other purposes, have had the same under consideration, and respectfully report the same back to the House with an amendment, striking out from the enacting clause and insert the accompanying bill in lieu thereof, and recommend the passage of the bill as amended.

The amendment was concurred in by the House ; and

No. 117. A bill for the relief of the State of Indiana, and for other purposes,

Was read a third time, as amended, the rules suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on education, to whom was referred the petition of sundry citizens of Shelby county, praying revaluation of a certain school section, have instructed me to report it inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same.

Which was laid on the table.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred a bill of the House No. 169, have had the same under consideration, and have instructed me to report the bill to the House, and recommend its passage, without amendment.

No. 169. A bill to modify the 30th section of chapter 16, of the Revised Statutes ;

Which was ordered to be engrossed for a third reading.

Mr. Wright of Wayne made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the petition of William Walden of Vigo county, asking pay for work done on section six on the Cross Cut canal, beg leave to report that it is inexpedient to legislate on that subject at this time, for the following reason, to-wit: That it would be a bad precedent for the Legislature to allow claims that have been so long neglected, and beg leave to be discharged from the further consideration of the subject.

Which was laid on the table.

Mr. Darrow made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred a resolution of this House, instructing them to enquire into the expediency of reducing the tolls upon pirogues and canoes on the Wabash and Erie canal, with instructions to report by bill or otherwise, having considered the same, have instructed me to report the accompanying bill, and recommend its passage :

No. 187. A bill to authorize pirogues and canoes to navigate the Wabash and Erie canal ;

Which was read a first time and ordered to a second reading.

Mr. Hodges made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the Senate No. 14, to legalize certain proceedings therein named, have had that subject under consideration, and have directed me to report it back to the House without amendment, and recommend its passage.

Mr. Palmer moved to recommit the bill to the same committee, with instructions to insert the following provisos:

"Provided, however, That nothing herein contained shall be so construed as to make the State liable for a greater amount of interest than six per cent. upon a final settlement with the company according to the provisions of the charter.

"Provided, also, That at any time, when the State resumes said canal according to the stipulation contained in the charter, that she will allow no more on account of construction when such construction was done by the issuing of bond certificates of stock of small denominations, or other issues than the fair value of such bond certificates, or other issues at the time they were disposed of by the company."

Mr. Robinson of Carroll called for the previous question;

Which was seconded by the House.

The House decided that the main question should be now put.

And the question being, "Shall the bill be engrossed for a third reading?"

The ayes and noes were demanded by Messrs. Palmer and Whight.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Brown, Bruce, Claypool, Conduit, Conner, Darrow, Duzan, Ford, Foresman, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Mooney, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Rosseau, Shanks, Shelby, Shively, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Vandever, Wills, Wolf, Wright of Wayne, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Anthony, Boardman, Byers, Colms, Cowen, Fuller, Hannah, Hardin, Hauser, Helwig, Heustis, Hoggatt, Howard, Kelly, Lanius, Lewis of Dearborn, McClure of Scott, Manville, Miller,

Montgomery, Nimmon, Palmer, Pettit, Robinson of Decatur, Rose, Smith, Tague, Turman, Walker, Whight, and Wright of Switzerland—31.

So the bill was ordered to be engrossed for a third reading.

Mr. Blakemore made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution, requiring them to enquire into the expediency of reporting a bill requiring the Madison and Indianapolis Rail Road Company to acquire the right of way simultaneously with the progress of said road, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 188. A bill to require the President and Directors of the Madison and Indianapolis Rail Road Company to acquire the right of way for said road simultaneously with the progress of said road;

Which was read a first time and ordered to a second reading.

Mr. Barclay, on leave granted, offered the following resolution:

Resolved, That the use of this Hall be afforded to the committees of the Senate and House on education this evening, that they may have an opportunity, with such members of the Senate and House as may desire it, to witness an exhibition of the pupils of the Kentucky Institution for the Blind, under the direction of B. M. Patten, Esq., who has expressed his willingness to be present.

Which was adopted.

Mr. Vandever moved to adjourn;

Which motion did not prevail.

Mr. Garrett moved to suspend the rules, for the purpose of offering a resolution;

Which motion did not prevail.

Mr. Herod made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of George E. Tingle and others, praying that the time for the payment of the revenue of Bartholomew county may be extended, have considered the subject, and direct me to report the following bill, and recommend its passage:

No. 189. A bill to extend the time to the Collector of Bartholomew county to settle the State and county revenue of said county, for the year 1844;

Which was read a first time and ordered to a second reading.

Mr. Colms made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of the counties of Kosciusko and Whitley, asking for the location of a State road therein named, have had that subject under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 190. A bill to locate a State road in the counties of Whitley and Kosciusko;

Was read a first time, and ordered to a second reading.

Mr. Whight made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Geo. Dean and others, citizens of Pike county, praying for a change in the boundary between the counties of Gibson and Pike, have had that subject under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 191. A bill altering the boundary line between the counties of Gibson and Pike;

Which was read a first time; when

Mr. Montgomery moved to reject; pending which,

On motion,

The House adjourned.

TUESDAY MORNING, DECEMBER 24, 1844.

The House met pursuant to adjournment.

Mr. Shanks moved to suspend the rules in order to permit him to introduce a resolution;

Which did not prevail.

PETITIONS, &C. PRESENTED.

Mr. Walker presented a petition from a number of Germans, citizens of Marion county, in relation to the present common school system;

Which was referred to the committee on education.

Mr. Handy presented a remonstrance from sundry citizens of Shelby county, relative to a State road therein named ;

Which was referred to the committee on roads.

Mr. Shanks presented the claims of David Fouts ;

Which was referred to the committee on claims.

Mr. Tingley presented a memorial from the stockholders of the Madison and Indianapolis Railroad ;

Which was referred to the committee on canals and internal improvements.

Mr. Sullivan presented a petition from Jas. Y. Allison and others, praying for the incorporation of the "Union Literary Society of Hanover College ;"

Which was referred to a select committee, consisting of Messrs. Sullivan, Wills, and Cowen.

Mr. Wills presented a petition from H. E. Talbott and others, praying for the incorporation of the "Putnam County Medical Society ;"

Which was referred to the committee on corporations.

Mr. Huey presented a petition from Joseph Fornshell and others, in Jay county, praying for a divorce ;

Which was referred to the judiciary committee.

Mr. Hardin presented a petition from sundry citizens of Johnson county, praying that the office of county auditor may be abolished in said county ;

Which was laid on the table.

Mr. Pomeroy presented a memorial from William Stacy, relative to the binding, &c. of the Revised Statutes ; which

On motion by Mr. Robinson of Carroll,

Was referred to the committee on claims.

Mr. Cowen presented a petition from sundry citizens in Elkhart county, relative to the jurisdiction of justices of the peace ;

Which was referred to the judiciary committee.

Mr. Hazelrigg presented a petition from J. E. Hocker and others, praying for a charter for a turnpike road from Indianapolis to Lafayette ;

Which was referred to the committee on corporations.

Also, a petition from sundry citizens of Boone county, praying for the incorporation of a company for the improvement of a portion of the road leading from Indianapolis to Logansport ;

Which was referred to the committee on corporations.

Mr. Blakemore presented a petition from sundry citizens of Cass, Carroll, Clinton and Boone counties, praying for the incorporation of the "Michigan road company ;"

Which was referred to a select committee consisting of Messrs. Blakemore, Parker, Herod, Hill, and Duzan.

Mr. Palmer presented a petition from Samuel Cook, praying for a divorce ;

Which was referred to the judiciary committee.

REPORTS OF COMMITTEES.

Mr. Leslie made the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claims of John H. Roberts and others, have had the same under consideration, and have directed me to report the following resolution :

Resolved, That the committee on ways and means be instructed to incorporate in the specific appropriation bill the following claims :

To John H. Roberts of Putnam county, for nineteen days service and expenses for inspecting the work on the new State Prison, \$70 00.

To Edwin J. Peck, of Marion county, his account and expenses for fifteen days service inspecting said Prison, \$59 00.

To Benjamin Cornelius of Floyd county, his account for nine days services and his expenses inspecting said Prison, \$37 00.

To William S. Roberts of Brown county, his account for seventeen days service, "horse hire" and "expenses" in summoning witnesses to appear before the committee on elections, in the case of the contested seat of the Hon. A. T. Rose, the sum of \$85 00.

To Edward R. May, administrator of the estate of James McConnell, late of Steuben county, deceased, his account for services and expenses accrued in March, 1844, in executing a commission of the Governor, in taking one Silas Doty, a fugitive from justice from Jacksonburg, Michigan, to the said county of Steuben in the State of Indiana, the sum of \$96 00.

The report was concurred in by the House.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the bill of the Senate No. 74, have had the same under consideration, and have directed me to report back the bill, and recommend its passage without amendment.

Mr. Byers moved to amend

No. 74. A bill in above report mentioned, providing compensation to supervisors on roads and highways, by inserting "that the provisions of this act shall not be extended to the county of Monroe."

Mr. Hodges moved to lay the bill and amendment on the table ;

Which did not prevail.

Mr. Miller moved to amend, so as to allow supervisors not exceeding one dollar per day for extra services ;

Which did not prevail.

Mr. Hambrick moved to amend, so as to except Putnam county.

Mr. Rose moved to except the county of Clay.

Mr. Gregory called the previous question,

Which was seconded.

The House then decided that the main question shall now be put.

The main question being,

Shall the bill be ordered to a third reading on to-morrow ?

It was decided in the affirmative.

Mr. Jones of Fountain, made the following report:

MR. SPEAKER:

The select committee to which was referred a bill, No. 156, for the relief of Milton Stapp, have had the same under consideration, and after making full investigation of the whole matter, have instructed me to report the bill back to the House, and recommend its passage:

Mr. Mooney dissents from the report of the committee on the bill for the relief of Milton Stapp, Esq.:

1st. Because the petition on which the bill and report are founded does not state any reason for an extension of the time for the payment of the indebtedness of the petitioner to the State, that did not exist when he gave his obligations to make good his liabilities.

2nd. Because it would form a bad and dangerous precedent to legislate favorably to extending indulgence and extension of credit to persons confessedly indebted to the State, either by malfeasance, misfeasance, or any other cause, and more especially to such persons as, who at the time they are petitioners for legislative favors of this kind, hold seats in the Legislature to which they petition, as members of the same body.

Mr. Vandever offered the following amendment to bill No. 156, in the majority report mentioned:

Amend so that all State and County officers shall also have the privilege to buy up County Orders or State Bonds, at less than their face, to pay any debt due to their respective Counties or State ;

Which did not prevail.

Mr. Hambrick moved to adjourn ;

Which was lost.

Mr. Jamison called the previous question ;

Which was seconded by the House.

And the question being, Shall the main question now be put ?

It was decided in the affirmative.

The main question being, "Shall the bill be engrossed for a third reading?"

Thereon Messrs. Mooney and Vandever called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Boardman, Brecount, Bruce, Claypool, Conner, Darrow, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Snook, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Blakemore, Brown, Byers, Colms, Conduit, Cowen, Davis, Duzan, Endicott, Ford, Fuller, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hoggatt, Howard, Huey, Kelley, Lanius, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Nutter, Palmer, Shively, Simonson, Tague, Vandever, Walker, Whight, and Wilson—40.

So the bill was ordered to be engrossed for a third reading.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Claypool gave notice that on to-morrow he would introduce the following resolution:

Resolved, That the words "two-thirds," where they occur in the latter clause of the 53d rule of the House, be stricken out, and a majority inserted in lieu thereof.

Mr. Blakemore made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Richardville county, praying for a State road from Burlington, by the way of Cokomo, to Marion in Grant county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 192. A bill, in the above report mentioned, to locate a State road therein named:

Was read a first time and ordered to a second reading.

Mr. Whight made the following report:

MR. SPEAKER :

The select committee to whom was referred joint resolution No. 8, entitled "a joint resolution on the subject of the Wabash and Ohio canal," report that they have considered the same, and are duly impressed with the importance of the subject, and would earnestly, but respectfully, urge the favorable consideration of the same upon the House. Your committee find, however, that a joint resolution of the same purport has passed the Senate and is now ready for the action of the House. They, therefore, that the House may not be encumbered by two resolutions upon the same subject, report joint resolution No. 8 back to the House, and ask it to be laid on the table.

A. THOMAS WHIGHT,
JOHN HODGES,
ALLEN T. ROSE,
J. P. McGAUHEY,
WM. MONTGOMERY,
ISHAM FULLER,
JAMES T. WALKER.

The report was concurred in,
And joint resolution No. 8, in the above report, was laid on the table.

Mr. Herod made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of many citizens of Bartholomew county, for the formation of a new county, to be called the county of Hart, have considered the same, and have directed me to report, that in consequence of the limited territory out of which it is proposed to form said county, the late period of the session at which said petition was presented, rendering it impracticable for Representatives, whose counties are to be immediately or remotely affected by said new county, to learn the wishes of their constituents, have not been able to agree for or against the prayer of said petitioners, and have directed me to return said petition to the House and ask that it be laid on the table, and that your committee be discharged from the further consideration of the same :

The report was concurred in, and the committee discharged.

Mr. McAllister moved to reconsider the vote taken on the passage of bill No. 181, authorizing the selling of clocks and other property by religious and educational societies ;

Which was decided in the affirmative.

Mr. McAllister then moved to recommit the bill to the judiciary committee with instructions to amend, so that nothing in the bill

shall be so construed as to authorize any such institution or religious society to vend other or more clocks than they may have on hand at the passage of this act;

On which Messrs. McAllister and Tague called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Byers, Cowen, Hambrick, Handy, Hardin, Heustis, Howard, Huckaby, Jamison, Kelly, Lewis of Dearborn, McAllister, Manville, Montgomery, Mooney, Nimmon, Palmer, Pettit, Robinson of Carroll, Simonson, Smith, Snook, Stophlet, Tague, Turman, Whight, and Mr. Speaker—27.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Brecount, Brown, Claypool, Colms, Conduit, Conner, Darrow, Davis, Duzan, Endicott, Ford, Foresman, Fuller, Garrett, Gregory, Grubbs, Hannah, Hauser, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huey, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Miller, Nutter, Odell, Osborn, Parker, Peek, Pomeroy, Robinson of Decatur, Rosseau, Shanks, Shelby, Stapp, Sullivan, Tingley, Tomlinson, Vandever, Walker, Wills, Wolf, Wright of Switzerland, and Wright of Wayne—60.

So the bill was not recommitted with the instructions.

Mr. Smith moved to recommit to the judiciary committee with instructions to amend so that all persons shall come within the purview of the act;

Which did not prevail.

The question then recurring on the passage of the bill;

On which Messrs. Palmer and McAllister called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Brecount, Brown, Claypool, Colms, Conduit, Conner, Duzan, Fuller, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Miller, Odell, Osborn, Parker, Peek, Pettit, Pomeroy, Robinson of Decatur, Rosseau, Shanks, Shelby, Shively, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Walker, Wills, Wolf, Wright of Switzerland, and Wright of Wayne—58.

Those who voted in the negative are,

Messrs. Byers, Cowen, Darrow, Hambrick, Handy, Hardin, Hauser, Helwig, Heustis, Kelley, Lewis of Dearborn, McAllister, Manville, Montgomery, Mooney, Nimmon, Nutter, Palmer, Smith, Tague, Vandever, Whight, and Mr. Speaker—23.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Conduit made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Cornelius Ferree, respectfully report:

That they have had that subject under consideration, and are satisfied from evidence produced before them, that at the time the said petitioner leased the said water power, it was understood, by all concerned, as well by the commissioners on the part of the State, as by said Ferree, that the said Central canal was to be, and would be, completed, and would consequently afford to said lessee, great facilities of transportation to and from his mills, to be erected thereon, and would render the same thereby of much greater value. That by the failure upon the part of the State to complete said work, the said Ferree is deprived of all these advantages, and has nothing by his lease but a mere water power. That he has been subjected to serious loss and expense, by back-water and other misfortunes attendant upon the peculiar construction of said power, and the unfinished situation of said work. That he has been subjected to much expense otherwise, for which he should be credited, and that a new estimate, and settlement, and lease should be granted him, upon terms suited to the situation of the water-power, and probable prospective situation of the canal.

They therefore report the following bill and recommend its passage:

No. 193. A bill, in the foregoing report, authorizing a settlement with Cornelius Ferree and other persons;

Was read a first time and ordered to a second reading.

Mr. Ford made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Wm. Shelton and others, on the subject of a State road in the counties of Randolph and Jay, have had that matter under consideration, and directed me to report the following bill and recommend its passage:

No. 194. A bill, in the above report mentioned, providing for the location of a State road in Randolph and Jay counties;

Was read a first time and ordered to a second reading.

Mr. Wolf made the following report:

MR. SPEAKER:

The select committee to which was referred bill of the Senate No. 63, to establish an additional place of holding elections in Lafayette township, Floyd county, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage:

No. 63. A bill of Senate, in above report, to establish an additional place of holding elections in Lafayette township in Floyd county;

On motion,

The rules were suspended, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nimmon made following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Allen and Noble counties, relating to the location of a State road in said counties, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 195. A bill, in above report mentioned, to locate a State road in the counties of Allen and Noble;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Tingley presented (by leave,) the following account of John E. Kingsbury:

INDIANAPOLIS, *November 23, 1844.*

State of Indiana, per order of Samuel P. Daniels, State Librarian,

To John E. Kingsbury,

Dr.

To cleanse, repair, set up and regulate two Brass Clocks, for the Senate Chamber and one for the House, each \$2 50, \$5 00

Which,

On motion,

Was referred to the committee on claims.

Mr. Sullivan made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of J. Y.

Allison and others, praying for a charter for the Union Literary Society of Hanover College, have had the matter under consideration, and directed me to report the following bill, and recommend its passage.

No. 196. A bill in the above report, to incorporate the Union Literary Society of South Hanover College;

Was read a first, second and third times, the rules being suspended therefor, and passed,

Ordered, That the Clerk inform the Senate thereof.

Mr. Herod made the following report :

MR. SPEAKER :

The select committee, to which was referred bill No. 21, of this House, for the formation of the thirteenth judicial circuit in the State of Indiana, have had the same under consideration, and direct me to report that they cannot agree on said bill, and have directed me to report the same back to the House, and ask that it be laid upon the table : and said committee discharged from any further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled, with the original bill of the House, and find the same correctly enrolled.

No. 18. An act to authorize the holding of a special election in Gibson county.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they did on this day, (Dec. 24,) present to his Excellency, the Governor, for his approval, and signature, the following enrolled bill of the House.

No. 18. An act to authorize the holding of a special election in Gibson county.

No. 34. An act amendatory of an act entitled an act for the charter of Michigan City.

The following message was received from his Excellency, the Governor, by his private Secretary, T. B. Kinder.

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts :

No. 18. An act to authorize the holding of a special election in Gibson county ;

No. 34. An act to amend " an act amendatory to the charter of Michigan City ;" approved February 15, 1844.

All of which originated in the House of Representatives.

RESOLUTIONS.

On motion by Mr. Garrett,

Resolved, That the House of Representatives will, the Senate concurring therein, proceed on Thursday, the 26th instant, at half past two o'clock, P. M., to the election of a United States' Senator, to fill the vacancy occasioned by the expiration of the term of service of A. S. White, and that they will proceed from day to day in said election until a United States' Senator is elected.

Ordered, That the Clerk inform the Senate thereof.

Mr. Shanks offered the following resolution :

Resolved, That the House will at two o'clock, P. M. of each day, take up the orders of the day, if not arrived at sooner in the order of business.

Mr. Huckaby moved a call of the House ;

Which was not sustained.

Mr. Bruce called for the previous question ;

Which was seconded by the House.

The main question was then ordered to be put :

And the question being,

" Shall the resolution be adopted ?"

The ayes and noes having been demanded by Messrs. Tingley and Gregory,

Those who voted in the affirmative are,

Messrs. Brecount, Brown, Byers, Cowen, Darrow, Duzan, Davis, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelly, Lan-
 ius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Stapp, Tague, Turman, Vandever, Walker, and Wright of Switzerland—43.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bruce,

Claypool, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nutter, Nimmon, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rousseau, Shelby, Smith, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—49.

So the resolution was not adopted.

On motion by Mr. Parker,

Resolved, That the committee on education be instructed to enquire what additional amount of State tax it will be necessary to levy the present year for the education of the deaf, dumb and blind, and that they report by bill or otherwise.

On motion by Mr. Tomlinson,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the probate law as to the fees and services of executors and administrators, giving to the several probate courts the power to make such allowance or allowances as may be just and right for their services, and report by bill or otherwise.

Mr. Wright of Switzerland offered the following resolution:

Resolved, That the committee on the town of Indianapolis be requested to report a bill to this House, setting apart and designating some suitable lot of ground belonging to the State in the town of Indianapolis, for a site and location for the Deaf and Dumb Asylum.

Mr. Simonson moved to add the following:

Also, to enquire into the expediency of appropriating the house on the Governor's Circle for the use and occupancy of the institution for the education of the Deaf and Dumb.

Which amendment was adopted.

The resolution as amended was then adopted.

On motion by Mr. Hoggatt,

Resolved, That the judiciary committee be instructed to report a bill to this House, at as early a day as possible, making seduction a criminal offence, punishable by fine and imprisonment in the penitentiary for any term of time not less than two nor more than seven years.

On motion by Mr. Handy,

Resolved, That thirty additional copies of the reports of the superintendent, visitors, and examiners of the State Prison be printed for the use of the State Prison, and to exchange with other State Prisons, and that said printed copies be forwarded to the Clerk's office of the Clark Circuit court, with the laws and journals of the present session of the General Assembly.

On motion by Mr. Davis,

Resolved, That the committee on elections be instructed to enquire into the expediency of reporting a bill, authorizing the citizens of

Dubois county to elect an Assessor for each township in said county, to be elected on the first Monday in April, annually.

On motion by Mr. Tomlinson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law on bastardy, page 367, section 24, providing for notice given to defendants in such cases, and said committee be requested to report by bill or otherwise.

On motion by Mr. Stapp,

Resolved, That the use of this Hall be tendered to Henry Bradley, at 2 o'clock, P. M., on the 25th day of this inst., (if the same should not be occupied at that time by this House,) for the purpose of delivering a lecture on the claims that the Western Indians have on the sympathies of the Western people; and if this Hall should be in use at that time, that the said Bradley may use the same on the evening of said day.

On motion by Mr. Colms,

Resolved, That the committee on claims be instructed to report a bill to this House, requiring the Treasurer of State to distribute the surplus copies of the Revised Code of 1843, to the several counties of this State, according to the number of voters in the same, the vote cast at the late election to be taken as the basis.

On motion by Mr. Tomlinson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the poor law, page 357, section 13, so as to provide for the ordering of warrants or other process to carry out the said law according to the Statute providing for the relief of the poor, and report by bill or otherwise.

Mr. Handy offered the following resolution:

Resolved, That the committee on education be requested to enquire into the expediency of repealing all law making scrip receivable for school funds, and that they report by bill or otherwise.

Which was not adopted.

On motion by Mr. Brown,

Resolved, That the judiciary committee enquire into the expediency of reducing the number of Representatives and Senators, and report by bill or otherwise. The apportionment to be made at the next General Assembly.

On motion by Mr. Whight,

Resolved, That the committee on federal relations be requested to enquire into the propriety of reporting a joint resolution to this House, instructing our Senators and requesting our Representatives in Congress, to vote for a law repealing the duty on foreign salt, with leave to report by bill or otherwise.

On motion by Mr. Hazelrigg,

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law providing for the distribution of the laws and journals of the present session at as early a day as possible, and report by bill or otherwise.

On motion by Mr. Jones of Fountain,

Resolved, That the door-keeper of the House of Representatives be directed to report to this House, at as early a period as possible, the *cause*, if he knows what the *cause* is, that prevents the papers and documents addressed by members to their constituents, from reaching the post-offices to which they are destined, at an earlier date; also, whether they are detained in his possession, or in the care of the post-master at Indianapolis,—for want of room in the mail bags.

JOINT RESOLUTIONS.

Mr. Barclay introduced,

No. 197. A joint resolution of the General Assembly with regard to the exhibition of the pupils of the Kentucky institution, for the education of the blind;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wills introduced,

No. 198. A joint resolution relative to the distribution of the proceeds of the sales of the public lands;

Which was read a first time, and passed to a second reading.

Mr. Claypool introduced,

No. 199. A joint resolution relative to the reduction of the price of public lands;

Which was read a first time, and passed to a second reading.

Mr. Simonson introduced,

No. 200. A bill to require the payment of the revenue into the State Treasury in such funds as are collected by the county treasurers;

Which was read a first and second times, the rules being suspended, and referred to the committee on ways and means.

Mr. Vanderveer introduced,

No. 201. A bill for the more equitable mode of distributing the interest arising from the school fund in Orange county;

Which was read a first and second times, the rules being suspended, and referred to the committee on education.

Mr. McGauhey introduced,

No. 202. A bill to legalize the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess.

Mr. Robinson of Decatur introduced,

No. 203. A bill to allow an additional compensation to the President Judge of the sixth judicial circuit, while engaged in holding the Decatur circuit court;

Mr. Colms introduced,

No. 204. A bill incorporating the Kosciusko and Allen turnpike company;

Mr. Stophlet introduced,
No. 205. A bill relating to the safety and protection of the Wabash and Erie canal ;

Mr. Blakemore introduced,
No. 206. A bill correcting the boundary line of Richardville county :
Mr. Ford introduced,

No. 207. A bill to exempt certain personal property from taxation ;

Mr. Whight introduced,

No. 208. A bill to repeal a portion of an act entitled, "an act to authorize Richard W. Kirk, to raise his mill-dam three feet higher," approved February 3rd, 1837 ;

Mr. Anthony introduced,

No. 209. A bill to regulate the jurisdiction of justices of the peace in the counties of Lake and Porter ;

Mr. Tingley introduced,

No. 210. A bill for the relief of John Drummond ;

Mr. Handy introduced,

No. 211. An act to amend an act entitled, an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company ;

Mr. Jamison introduced,

No. 212. A bill prescribing a uniform mode of ascertaining by weight the quantity of different kinds of grain that shall pass for a standard bushel in this State ;

Mr. Odell introduced,

No. 213. A bill to legalize the official acts of Mark Manlove, road commissioner ;

Mr. Osborn introduced,

No. 214. A bill relative to official bonds ;

Mr. Hannah introduced,

No. 215. A bill to encourage female school teachers in the county of Franklin ;

Mr. Huckaby introduced,

No. 216. A bill to amend an act entitled, "an act amendatory of an act entitled, an act to authorize the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county," approved February 11, 1843 ;

Mr. Nutter introduced,

217. A bill amendatory of the law regulating the trial of appeals in the circuit court from justices of the peace ;

Mr. Hauser introduced,

No. 218. A bill declaring Lick Creek, in Owen county, a public highway ;

Which were severally read a first time, and passed to a second reading.

Mr. Stapp introduced,

No. 220. A bill allowing application for damages from the Madison and Indianapolis Railroad ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on canals and internal improvements.

Mr. Pomeroy introduced,

No. 219. A bill providing for the sale of lands mortgaged to the sinking fund and forfeited to the State of Indiana, and for other purposes;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the State Bank.

Mr. Pettit introduced,

No. 221. A bill in relation to proceedings upon writs of *ad quod damnum*;

Which was read a first and second times, the rules being suspended therefor, and referred to the judiciary committee.

Mr. Wright of Switzerland moved to adjourn;

Which did not prevail.

ORDERS OF THE DAY.

Bill of the Senate,

No. 39. A bill for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and for other purposes.

Mr. Pettit moved to refer the bill to the judiciary committee;

Pending which,

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, DECEMBER 25, 1844.

The House met pursuant to adjournment.

Mr. Hodges, on leave granted, offered the following resolution:

Resolved, That Alexander Beard of Vigo county be permitted to draw from the files of this House, certain papers that he is interested in as contractor on the Cross Cut canal.

Which was adopted.

Mr. Robinson of Carroll moved to suspend order of business, and take up bills on their second reading;

Which was adopted.

Mr. Vandever moved to go into the committee of the whole on bill No. 6;

Which did not prevail.

Mr. Robinson of Carroll moved to adjourn until to-morrow morning, at 9 o'clock, A. M.;

Which was lost.

The House then took up orders of the day.

BILLS ON SECOND READING.

No. 31. A bill for the settlement and adjustment of work done on the 1st division of the Wabash and Erie canal;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 32. A bill to abolish the office of Auditor in the county of Tipton;

Was read a second time, and ordered to be engrossed for a third reading.

No. 33. A bill to amend an act providing for the election of a school commissioner in Russell township in Putnam county;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 35. A bill to authorize Ruel Starr to erect a mill dam across the Calamut river;

No. 36. A bill to repeal the Posey county road law;

No. 37. A bill legalizing certain proceedings in the office of school commissioner in the county of Marshall;

The above bills were severally read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 38. A bill to authorize the board of Commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river at Columbus;

Was read a second time, when

Mr. Herod moved to amend, by adding at the end of section 5th,

"*Provided*, That nothing in this act contained shall be so construed as to authorize said board to levy any tax for the purpose in said act mentioned."

The amendment was adopted;

After which, the rules were suspended, the bill read a third time, considered engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 39. A bill regulating the fees of grand and petit jurors;

Was read a second time, when

Mr. Vandever moved to lay it on the table.

On which motion, Messrs. Smith and Gregory called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Blakemore, Brecount, Byers, Claypool, Conner, Cowen,

Davis, Duzan, Garrett, Hambrick, Handy, Hauser, Hazelrigg, Hinchman, Hoggatt, Howard, Jones of Vigo, Kerr, Lanius, McAllister, Manville, Mooney, Parker, Peek, Robinson of Carroll, Rose, Rosseau, Shanks, Shively, Tague, Tomlinson, Turman, Vandever, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—37.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Boardman, Brown, Bruce, Colms, Conduit, Darrow, Endicott, Ford, Foresman, Fry, Fuller, Gregory, Grubbs, Hannah, Hardin, Helwig, Herod, Heustis, Hodges, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Kelley, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Palmer, Pettit, Pomeroy, Rich, Robinson of Decatur, Shelby, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Walker, Wills, and Wilson—58.

So the bill was not laid on the table.

Mr. Simonson moved to recommit to the committee on the judiciary;

And the bill was so committed.

Mr. Colms moved to instruct the committee, to report a bill so as to allow jurors, in the counties of Kosciusko and Whitley, one dollar and twenty-five cents per day as such jurors.

Mr. Smith moved to amend the instructions as follows:

That the grand and petit jurors in the county of Spencer, be and they are hereby allowed one dollar and twenty-five cents per day for attending as the same.

SEC. 2d. All laws and parts of laws coming in contact with this law be and the same are hereby repealed.

SEC. 3d. This act to take effect and be in force, from and after its passage.

Mr. Tague moved to amend instructions, so as to except the county of Hancock.

Which did not prevail.

Mr. Walker moved to amend, so as to instruct the committee to strike out the names of the counties.

Which was lost.

The vote was then taken on the instructions of Mr. Smith, And decided in the negative.

No. 40. A bill fixing the time of holding courts in the eighth Judicial Circuit;

Was read a second time, and,

On motion by Mr. Robinson of Carroll,

Was referred to a select committee consisting of Messrs. Robinson of Carroll, Bell, Blakemore, Pettit, Brecount, and Pomeroy.

No. 41. A bill limiting the fees of sheriffs, for extra services in the county of Marshall;

Was read a second and third times, the rules being suspended therefor, considered engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 43. A bill declaring Black creek, in the county of Greene, a navigable stream;

Was read a second time.

The question then being, "Shall the bill be engrossed for a third reading?"

On that question, Messrs. Hodges and Rosseau called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bruce, Byers, Claypool, Colms, Conner, Cowen, Darrow, Duzan, Ford, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Hauser, Hazelrigg, Herod, Hinchman, Hostetter, Huckaby, Lanius, Legg, Leslie, Lewis of Wayne, McClure of Knox, Little, McGauhey, Manville, Miller, Montgomery, Mooney, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Vandever, Whight, Wilson, Wright of Wayne, and Mr. Speaker—57.

Those who voted in the negative are,

Messrs. Anthony, Davis, Endicott, Handy, Hannah, Hardin, Helwig, Heustis, Hodges, Hoggatt, Howard, Huey, Jamison, Jones of Fountain, Kelley, Kerr, Lewis of Dearborn, McAllister, McClure of Scott, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Simonson, and Turman—27.

So the bill was ordered to be engrossed.

No. 44. A bill to repeal an act entitled an act concerning overseers of the poor, approved January 15th, 1844, so far as the same is in force in Bartholomew county;

Was read a second time, and,

On motion by Mr. Smith,

Was amended by inserting Spencer county;

When it was ordered to be engrossed for a third reading.

No. 45. A bill to authorize supervisors to purchase suitable tools to work the roads with;

Was read a second time and ordered to be engrossed for a third reading.

No. 46. A bill to extend the powers of masters in Chancery, and for other purposes;

Was read a second time and ordered to be engrossed for a third reading.

No. 47. A bill to declare the meaning of section 29, chapter 31st, article 3rd, of Revised Statutes;

Was read a second time and referred to the judiciary committee.

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the Central canal;

Was read a second time, when,

On motion by Mr. Bell,

It was referred to the committee on canals and internal improvements.

No. 49. A bill to amend the 98th section of the 15th chapter of the Revised Statutes of 1842, relating to common schools;

Was read a second time, and,

On motion,

Was laid on the table.

No. 50. A bill for the relief of John Sankey of Vigo county;

Was read a second time and ordered to be engrossed for a third reading.

No. 51. A bill to legalize the election of president of the Enon Church of General Baptists in Gibson county;

Was read a second and third times, the rules being suspended therefor, considered engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 53. A bill for the relief of Joseph Proctor and others;

Was read a second time and ordered to be engrossed for a third reading.

Mr. Shanks moved to reconsider the vote taken on the engrossment of bill No. 43;

Which was agreed to by the House; when,

On motion by Mr. Shanks,

The bill was laid on the table,

No. 54. A bill to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;

Was read a second and third times, the rules being suspended therefor, considered engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 55. A bill for the preservation of wild deer in the county of Wabash;

Was read a second time, when,

On motion by Mr. Colms,

It was so amended as to except Indian or Indians;

When it was ordered to be engrossed for a third reading.

Mr. Grubbs, chairman of the committee on enrolled bills, made the following report:

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original bills of the Senate, and find the enrollment correctly made:

No. 80. An act to provide for a special session of the Whitley Circuit Court;

No. 7. An act to extend the times of holding the Probate Courts in the counties of Washington, Ripley, and Jefferson;

No. 29. An act to amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson, and Spencer;

No. 9. An act relative to the fall term of the Circuit Courts in the 12th judicial circuit, and for other purposes;

No. 15. An act to extend the time of holding the May term of the Decatur Circuit Court.

Mr. Little, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the original bills of the House, and find them correctly enrolled:

No. 9. An act to change the name of the town of Palestine to that of Poseyville;

No. 10. An act to amend an act entitled an act to incorporate the Porter county manufacturing company, approved January 13, 1844;

No. 17. An act to change the time of holding Probate Courts in the county of Daviess;

No. 27. An act for the relief of Jacob Aughee of Warren county;

No. 26. An act relating to Jackson township in Washington county;

No. 162. An act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county;

No. 22. An act to extend the term of the County Board of Jefferson county;

No. 56. A joint resolution in favor of Thomas W. Dorr;

Was read a second time, when,

Mr. Hazelrigg moved to amend by striking out of the preamble, "a citizen," where it occurs after the word Dorr, and insert "and other citizens."

Also, amend resolution by inserting after the word Dorr, "and other convicts."

Before any action was had on the amendment,

Mr. Herod moved to refer the bill to the committee on federal relations.

Mr. Robinson of Decatur, moved to instruct said committee to enquire whether said Dorr has any wife and children.

Pending which, the House,

On motion,

Adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY MORNING, DECEMBER 26, 1844.

The House met pursuant to adjournment.

On leave granted,

Mr. Hazelrigg offered the following resolution :

Resolved, That the use of this Hall be tendered to Mr. Willard this evening at six o'clock, P. M., for the purpose of lecturing the pupils of the deaf and dumb asylum, in the presence of the members of the General Assembly.

Mr. Tingley moved to amend the resolution by adding the word "only ;"

Which was not adopted.

The resolution was then adopted.

On motion by Mr. Grubbs,

Leave of absence was granted to Mr. Parker, his colleague.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have this day adopted a resolution in the following words :

Resolved, That the Senate will, the House concurring therein, proceed on Thursday next at two o'clock, P. M. to elect a Director of the State Bank, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake.

On motion by Mr. Robinson of Carroll,

The foregoing message from the Senate was taken up, and reciprocated with an amendment to strike out Thursday next, and insert this day.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Montgomery,

The House suspended the order of business, and took up

No. 191. A bill altering the boundary line between the counties of Gibson and Pike.

The question pending the last adjournment being

Mr. Montgomery's motion to reject the bill,

And the ayes and noes having been demanded by Messrs. Whight and Montgomery,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Brecount, Bruce, Claypool, Conduit, Conner, Cowen, Davis, Endicott, Ford, Foreman, Fuller, Gregory, Grubbs, Hambrick, Hardin, Hazelrigg, Herod,

Hinchman, Hodges, Huey, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, Montgomery, Mooney, Nutter, Odell, Osborn, Peek, Pomeroy, Robinson of Decatur, Rosseau, Smith, Stapp, Tague, Tingley, Tomlinson, Walker, Wolf, Wright of Wayne, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Anthony, Byers, Darrow, Duzan, Garrett, Hannah, Handy, Hauser, Hoggatt, Hostetter, Howard, Huckaby, Jones of Fountain, Kelly, Lanius, McClure of Scott, Manville, Rich, Shanks, Shelby, Simonson, Turman, Vandever, Wills, and Whight—26.

So the bill was rejected.

The Speaker laid before the House a memorial from sundry citizens of Clark county, relative to the retailing of spirituous liquors in Charlestown ;

Which was referred to a select committee consisting of Messrs. Robinson of Carroll, Simonson, and Mooney.

The Speaker laid before the House the following communication from D. M. Tilton, door-keeper of the House of Representatives :

INDIANAPOLIS, *December 25, 1844.*

*To the HON. A. C. STEVENSON, Speaker of
the House of Representatives :*

DEAR SIR: In accordance with a resolution passed this House, requiring the door-keeper to make enquiry with regard to the papers and documents that are sent from this House to the post office, the undersigned begs leave to report, that all of the papers and documents are taken immediately to the post office with the greatest care and attention, and to my knowledge, there has never been one paper lost on our part. The undersigned would further report, that he made inquiry of the post master at this place, whether or not there was any of the papers detained, and in answer the post master affirmed, that they were all mailed for the places directed, and for the reasons why the papers do not reach the places of their destination, the undersigned is unable to tell; unless unfortunately for them, they get on the wrong route, and if so, it is out of the power of the undersigned. All of which is respectfully submitted to the House of Representatives.

Your obedient servant,
D. M. TILTON, *Door-keeper.*

On leave granted,
Mr. Leslie made the following report ;

MR. SPEAKER :

The committee on claims have directed me to report the following resolution :

Resolved, That the committee on ways and means be instructed to incorporate in the specific appropriation bill the account of Jas. S. Jelley, of twenty-eight dollars for fourteen days service as clerk of the committee on elections.

The resolution in the above report mentioned, was adopted.

Mr. Claypool presented a petition from sundry citizens of Fayette county, praying for the repeal of a local law relative to school commissioner, so far as it relates to said county;

Which was referred to a select committee consisting of Messrs. Claypool, Little, and Miller.

Mr. Walker presented a petition from sundry citizens of Marion county, in the German language;

Which was referred to the committee on education.

Mr. Blakemore presented a petition from Zera Southerland, in relation to damages sustained in constructing the feeder dam on the Cross Cut canal.

Which was referred to the committee on canals and internal improvements.

Mr. Wolf presented the petition of sundry citizens of Georgetown, Floyd county, praying for the location of an alley in said town;

Which was referred to a select committee consisting of Messrs. Wolf, Hodges, and Montgomery.

Mr. Pettit presented the petition of A. P. Ferry and others, praying for the passage of a law for the construction of a new aqueduct on the Wabash and Erie canal, in the town of La Gro;

Which was referred to the committee on canals and internal improvements.

Also, a petition from B. H. Scott, for relief;

Which was referred to a select committee consisting of Messrs. Pettit, Hostetter, and Wolf.

Mr. Blakemore presented a petition from sundry citizens of Cass county, relative to a State road from Logansport to Kokomo in Richardville county;

Which was referred to a select committee consisting of Messrs. Blakemore, Herod, and Wright of Switzerland.

Mr. Pomeroy presented a petition from sundry citizens of Marshall county, praying for the immediate repeal of all laws which guarantee the rights of citizens by their complexion;

Which was referred to the judiciary committee.

Mr. Osborn made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill No. 140, an "Act relative to chancery practice," have had the same under consideration, and directed me to strike the same out from the enacting clause, and report the following amendment, and respectfully recommend its passage:

Which amendment is, to strike from the enacting clause and insert a new bill.

The report was concurred in by the House, and the bill as amended was ordered to be engrossed.

Mr. Jones of Fountain made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the memorial of Samuel Merrill, Nathan B. Palmer, Austin W. Morris, James Blake, and James M. Ray, Stockholders of the Madison and Indianapolis Railroad, have had the same under consideration, and instructed me to report the following bill in accordance with the prayer of the memorialists, and recommend its passage:

No. 222. A bill to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of Internal Improvements, and the offices of Fund Commissioner and Chief Engineer, approved January 28, 1842.

Which was read a first time and ordered to a second reading.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the Senate to provide for erecting a bridge across Laughery creek in Ripley county, have had the subject under consideration, and directed me to report the bill back to the House without amendment, and recommend its passage:

Bill of the Senate,

No. 75. A bill to provide for erecting a bridge across Laughery creek in Ripley county;

Was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool also made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the Senate, No. 27, to revive and amend an act entitled, "An act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839, have had the subject under consideration, and directed me to report the bill back to the House without amendment, and recommend its passage:

Bill of the Senate No. 27, in said report mentioned;

Was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool also made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the petition of James Boyd, agent and general superintendent of the American Cannel Coal Company, have had the subject under consideration, and have directed me to report to the House that it is inexpedient to grant the prayer of the petition, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Peek made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the report and resolutions of the committee on elections, have had that matter under consideration, and have directed me to report and recommend the passage of the following bill:

No. 223. A bill providing for the compensation of certain persons therein named;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on ways and means, with instructions to incorporate it in the specific appropriation bill.

On motion by Mr. Robinson of Carroll,

The House suspended the order of business and took up bills on their second reading.

No. 56. A joint resolution in favor of Thomas W. Dorr.

The question being on the motion to recommit by Mr. Herod, pending last adjournment, with the instructions of Mr. Robinson of Decatur,

Mr. Little moved to lay the joint resolution and amendments on the table.

And the ayes and noes being demanded by Messrs. Vandever and Colms;

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Brecount, Claypool, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Herod, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Pomeroy, Robinson of Decatur, Shelby, Stophlet, Sullivan, Tomlinson, Wolf, Wright of Wayne, and Mr. Speaker—43.

Those who voted in the negative are,

Messrs. Brown, Byers, Colms, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Howard, Huey, Jones of Fountain, Kelley, Lanius, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Stapp, Tague, Tingley, Turman, Vandever, Walker, Wills, Whight, Wilson, and Wright of Switzerland—41.

So they were laid on the table.

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

Was read second time and ordered to be engrossed.

No. 59. A bill authorizing the State Treasurer to receive Treasury Notes, and for other purposes;

Was read a second time; when,

Mr. Stapp moved to amend the bill by striking out the second and third sections;

Which motion was carried.

On motion by Mr. Robinson of Carroll,

The House reconsidered the vote on the amendment; when,

On motion by Mr. Handy,

The bill was referred to the committee on ways and means.

No. 60. A bill in relation to the competency or credibility of witnesses in Justices courts;

Was read a second time and ordered to be engrossed.

No. 61. A bill exempting property from execution;

Was read a second time, and,

On motion by Mr. Robinson of Carroll,

Was laid on the table.

No. 62. A bill defining the term of office of the several County Treasurers of Indiana;

Was read a second time, and,

Mr. Pettit moved to amend, pending which,

On motion by Mr. Stapp,

The bill was referred to the committee on ways and means.

No. 63. A bill for the relief of Harrison Barnett and Benjamin Powell;

Was read a second time and ordered to be engrossed.

No. 64. A bill to authorize the sale of school section in town 4, range 10, in Jefferson county;

Was read a second time, and the rules being suspended therefor, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 65. A bill to incorporate the Terre Haute Draw Bridge company;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 68. A bill to vacate an alley in the town of Pittsburgh, Carroll county;

Was read a second time and ordered to be engrossed.

No. 69. A bill for the relief of Ann Matthews;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 70. A bill to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 71. A bill to afford greater security against illegal voting;

Was read a second time and ordered to be engrossed.

No. 72. A bill to confine voters to their respective townships;

Was read a second time.

Mr. Brown moved to except from the provisions of the bill, Crawford county;

Which was lost.

Mr. Davis, moved to except Dubois county;

Which was also lost.

Mr. Blakemore moved to commit the bill to the committee on elections; when,

Mr. Gregory moved the previous question.

Mr. Hazelrigg moved to lay the bill on the table.

And the ayes and noes being demanded by two members;

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Conduit, Davis, Fuller, Hambrick, Hazelrigg, Hodges, Hoggatt, Hostetter, Huckaby, Jones of Vigo, Leslie, Lewis of Dearborn, Manville, Nimmon, Peek, Rich, Rosseau, Smith, and Mr. Speaker—21.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Bruce, Byers, Claypool, Colms, Conner, Cowen, Darrow, Duzan, Endicott, Ford, Foresman, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hinchman, Howard, Jamison, Kelly, Kerr, Lanius, Legg, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Miller, Montgomery, Mooney, Nutter, Odell, Osborn, Palmer, Pettit, Pomeroy, Robinson of Decatur, Robinson of Carroll, Shanks, Shelby, Shively, Simonson, Snook, Stapp, Sullivan, Tague, Tingley, Tomlinson, Turman, Vandever, Wills, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—66.

So the bill was not laid on the table.

The question then being taken on seconding the previous question, It was decided in the affirmative;

And the main question was ordered to be put.

And the main question being put, "Shall the bill be engrossed for a third reading?"

The ayes and noes being demanded by Messrs. Hambrick and Brown;

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Bruce, Byers, Claypool, Colms, Conner, Cowen, Darrow, Duzan, Endicott, Foresman, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Howard, Huey, Jamison, Jones of Fountain, Kelley, Kerr, Lanius, Legg, Lewis of Wayne, Little, McAllister, McClure of Scott, McGauhey, Miller, Montgomery, Mooney, Nutter, Odell, Osborn, Palmer, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Snook, Stapp, Stophlet, Tague, Tingley, Turman, Vandever, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—60.

Those who voted in the negative are,

Messrs. Anthony, Brown, Conduit, Davis, Fuller, Grubbs, Hambrick, Hazelrigg, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Jones of Vigo, Leslie, Lewis of Dearborn, McClure of Knox, Manville, Nimmon, Peek, Rich, Rosseau, Smith, Sullivan, Simonson, Tomlinson, Wills, and Mr. Speaker—27.

So the bill was ordered to be engrossed.

On motion by Mr. Robinson of Carroll,

The rules were suspended and the bill was read a third time.

Mr. Robinson of Carroll, moved to amend by striking out "township or county election," and inserting "election by the people."

Mr. Handy moved to recommit the bill, with instructions to the committee to insert Mr. Robinson's amendment.

Mr. Leslie moved to amend the instructions by directing the committee to add the following:

"The provisions of this act shall not extend to the county of Harrison."

Mr. Peek moved to amend the amendment to the instructions, by adding the county of "Martin."

Mr. Robinson of Carroll called the previous question; which was seconded by the House, and the main question was ordered to be put.

The main question being,

"Shall the bill pass?"

And the ayes and noes being demanded by Messrs. Leslie and Gregory,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Bruce, Byers, Claypool, Colms, Conner, Cowen Darrow, Duzan, Endicott, Ford, Foreman, Garrett, Gregory, Grubbs, Handy, Hannah, Hauser, Helwig, Herod, Heustis, Hinchman, Huey, Jamison, Jones of Fountain, Kelley, Kerr, Lanius, Legg, Lewis of Wayne, Little, McAllister, McClure of Scott, McGauhey, Miller, Montgomery, Mooney, Nutter, Odell, Osborn, Palmer, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Shively, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Turman, Vandever, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—63.

Those who voted in the negative are,

Messrs. Anthony, Boardman, Brown, Conduit, Davis, Fuller, Hambrick, Hardin, Hazelrigg, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Jones of Vigo, Leslie, Lewis of Dearborn, McClure of Knox, Manville, Nimmon, Peek, Rich, Rosseau, Simonson, Smith, Tomlinson, Wills, and Mr. Speaker—28.

So the bill was passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned.

2 o'clock, P. M.

The House met.

No. 73. A bill to authorize G. A. Rose to file his petition before the county board;

Was read a second time and ordered to be engrossed.

Mr. Robinson of Carroll moved a call of the House;

Which was sustained.

When all the members were found to be present, except Messrs. Bradley, Byers, Conduit, Fuller, Hambrick, Huckaby, Lanius, Leslie, McAllister, Matlock, Osborn, Peek, Rosseau, Shelby, Smith, Snook, Stapp, Vandever, and Wilson.

On motion by Mr. Garrett,

The further call was dispensed with.

The House then proceeded with the consideration of bills on their second reading.

No. 74. A bill to authorize Abraham J. Hostetter to sell and convey certain real estate ;

Was read a second time, and the rules being suspended, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 75. A bill to extend the time allowed to county auditors for making out the annual road tax list ;

Was read a second time, and ordered to be engrossed for a third reading.

No. 76. A bill to change the name of Susanah Poe to Susannah Cundale ;

Was read a second time, considered engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have concurred in the amendment adopted by the House of Representatives, respecting the resolution of the Senate, in relation to the election of a bank director, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake. The Senate are now ready to proceed, with closed doors, to the election of that officer.

On motion by Mr. Robinson of Carroll,

Resolved, That the House reciprocate the resolution of the Senate as to the election of a bank director, and that they are ready to proceed to such election instantan.

The House then proceeded with closed doors to the election of a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake.

Messrs. Robinson of Carroll and Grubbs acting as tellers.

On counting the first ballot, it appeared that

James P. Drake received.	-	-	-	-	-	-	53 votes.
Robert Morrison received,	-	-	-	-	-	-	26 "
Scattering received,	.	-	-	-	-	-	17 "

James P. Drake having received a majority of all the votes given, was, by the Speaker, declared duly elected on the part of the House, to serve as director of the State Bank of Indiana, for and during the term of four years from and after the expiration of his present term of service.

Ordered, That the Clerk inform the Senate by a sealed message, thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

I am directed by the Senate to deliver to the House of Representatives, the accompanying sealed message in relation to the election of a director on the part of the State of the State Bank of Indiana:

The following is the sealed message received and mentioned in the foregoing report:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election, held by the Senate, with closed doors, in pursuance of a resolution of the two Houses, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake—James P. Drake received on the first ballot a majority of all the votes given; and was thereupon declared duly elected on the part of the Senate, a director of the State Bank of Indiana, to serve as such for the term of four years from and after the expiration of his present term of service.

WILLIAM T. OTTO, *Secretary of the Senate.*

The House then proceeded to the orders of the day.

No. 81. A bill to diminish the costs and expenses of defendants in suits at law;

Was read a second time; when

Mr. Robinson of Decatur moved to amend by striking out all after the word justice, and insert the following:

In all cases contemplated by this act, justices of the peace and the circuit courts of the proper county shall have concurrent jurisdiction, and all judgments rendered by any justice of the peace under this act, shall be subject to a stay of execution of ninety days—the defendant or defendants procuring some person to enter security on the docket of said justice, as in other cases.

It shall be the duty of any justice of the peace when he renders any judgment against any defendant or defendants for any fine or fines and costs under this act to make it a part of said judgment, that the defendant or defendants stand committed until said fine and costs shall be paid or replevied.

In all prosecutions under this act before a justice of the peace, the justice shall grant continuances, changes of venue, and recognize witnesses in same way and manner provided for by the law now in force in regard to the powers and duties of justices of the peace in criminal cases.

In all cases under this act where any person shall be imprisoned by any justice of the peace, he may discharge himself therefrom in the same way and manner pointed out and provided for in the eighteenth and twentieth sections of the Revised Law referred to in the last preceding section of this act.

This act to take effect and be in force from and after its passage.

Mr. Stapp moved to amend by striking out all that part which relates to voting at elections ;

Which was lost.

When, on motion,

The bill and pending amendment were referred to the committee on the judiciary.

No. 82. A bill giving further time to the Lawrencburgh and Indianapolis Railroad Company to close its affairs ;

Was read a second time, when,

On motion by Mr. Handy,

It was laid on the table.

No. 83. A bill to repeal section 427, chapter 40, of Revised Statutes of 1843 ;

Was read a second time, and ordered to be engrossed.

No. 84. A bill to regulate the fees of county Treasurers for receiving and expending the county seminary funds ;

No. 85. A bill to vacate a State road therein named ;

No. 86. A bill to authorize French to construct a dam across the Wabash river ;

No. 88. A bill to amend an act entitled an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes ;

No. 89. A bill to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes ;

No. 90. A bill providing for the location of a State road in the counties of Kosciusko and Marshall ;

The above bills were severally read a second time, the rules suspended, considered engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 91. A bill to amend an act entitled an act relative to licensing groceries in the counties of Carroll and Cass ;

Was read a third time, and ordered to be engrossed.

No. 92. A bill authorizing the auditor of Vanderburgh and Gibson counties to call the board of commissioners together to hold special sessions in said county ;

Was read a second time, when,

On motion by Mr. Montgomery,

The county of Gibson was inserted;

On motion,

The rules were suspended, the bill was read a third time, and passed.

No. 95. A joint resolution for the relief of the people of Indiana; Was read a second time, when

Mr. Vandever moved to refer it to a committee of the whole House on to-morrow;

Which motion did not prevail.

On motion by Mr. ———,

It was laid on the table.

No. 96. A joint resolution on the subject of the tariff;

Was read a second time, and,

On motion by Mr. Osborn,

Was laid on the table.

No. 97. A joint resolution on the subject of the harbor at Michigan City and the Cumberland road;

Was read a second time; when

Mr. Little moved to lay it on the table;

Which motion did not prevail.

Mr. Tague moved to amend, by inserting the Cumberland road;

Which amendment was adopted.

The rules were suspended, the joint resolution considered as engrossed, read a third time, and passed.

The title was also amended by inserting the Cumberland road therein.

Ordered, That the Clerk inform the Senate thereof.

No. 98. A bill for the relief of purchasers of certain school lands in Randolph county;

Was read a second time, and,

On motion,

Amended by the insertion of Delaware wherever the word Randolph occurs;

When it was ordered to be engrossed.

No. 99. A bill to amend the 15th chapter of the Revised Statutes of 1843;

Was read a second time, and,

On motion by Mr. Hazelrigg,

Was referred to the committee on education, with instructions to enquire into the propriety of striking out the enacting clause.

The following message was received from his Excellency, the Governor, through T. B. Kinder, his private secretary:

MR. SPEAKER:

I am authorized by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts:

No. 78. An act for the relief of Daniel Wise;

No. 17. An act to change the time of holding courts in the county of Daviess;

No. 22. An act to extend the time of the county board of Jefferson county;

No. 9. An act to change the name of the town of Palestine to that of Poseyville;

No. 27. An act for the relief Jacob Aughee in Warren county;

No. 162. An act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county;

No. 26. An act relating to Jackson township, in Washington county;

No. 10. An act to amend an act entitled, an act to incorporate the Porter county manufacturing company, approved January 13, 1844.

All of which originated in the House of Representatives.

Mr. Whight, on leave granted, offered the following resolution:

Resolved, That the public printer be ordered to furnish this House with one hundred printed copies of bill No. 132 of the House, entitled, "A bill to preserve the purity of elections."

Resolved, further, That the chairman of the committee on elections be requested to furnish said public printer with a manuscript copy of said bill.

Which was adopted.

No. 100. A bill to amend an act entitled, "An act entitled an act authorizing the commissioners of the Wabash and Erie canal west of Tippecanoe, to sell land in tracts of forty acres, or quarter quarter sections;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 128. A bill to amend an act entitled, an act to incorporate the Warren county canal company, approved January 15, 1844;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 101. A bill to change the mode of doing county business in the county of Crawford;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 102. A bill to repeal an act therein named;

Was read a second time, and laid on the table.

No. 103. A bill relative to assignment of the canal land office certificates;

Was read a second time, and referred to a select committee consisting of Messrs. Blakemore, Herod, and Robinson of Carroll.

No. 104. A bill to abolish the office of county auditor in the county of Spencer ;

No. 105. A bill to amend an act entitled an act to reduce the tolls on the New Albany and Vincennes road and for other purposes ;

No. 106. A bill to legalize the acknowledgement of certain deeds, mortgages and other instruments of writing required by the laws of Indiana now in force, to be acknowledged and recorded ;

Were severally read a second time, and ordered to be engrossed.

No. 107. A bill to define the boundaries of Dearborn county ;

Was read a second and third times, rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 108. A bill for the protection of wild fruit growing on public lands ;

Was read a second time ; and

On motion by Mr. Blakemore,
Pulaski county was inserted in the provisions of the bill.

On motion by Mr. Pomeroy,
Stark county was also inserted.

The rules were suspended, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 109. A bill to amend article 4, chapter 45, Revised Statutes, 1843 ;

Was read a second time and referred to the judiciary committee.

No. 110. A bill to amend section 88, chapter 48, article 4, part 3, Revised Statutes of 1843 ;

Was read a second time and ordered to be engrossed.

No. 111. A bill amendatory of the sixth article of the forty-fifth chapter, and the tenth article of the forty-seventh chapter of the Revised Statutes of 1843 ;

Was read a second time ; and

On motion by Mr. Garrett,
Was indefinitely postponed.

No. 112. A bill regulating the election of supervisors of roads and highways in the counties of De Kalb and Steuben.

No. 113. A bill to authorize an additional place of holding elections in Redding township, Jackson county.

No. 114. A bill to authorize the borrowers of the congressional township funds to secure their loans by land within the proper congressional townships ;

Were severally read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 115. A bill to repeal an act entitled an act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen, Henry and Perry, approved January 31st, 1843 ;

Was read a second time ; when

Mr. Herod moved to amend by inserting, "and Bartholomew" wherever the word Perry occurs in the repealing clause, and make the bill conformable therewith;

Which amendment was adopted, and the bill was ordered to be engrossed.

No. 116. A bill to authorize the citizens of Jay county and Adams county to elect a county surveyor;

Was read a second time; when

Mr. Hannah moved to insert the county of Franklin;

Mr. Rose moved to insert the county of Clay;

Mr. Vandever moved to insert the county of Orange;

Mr. Hoggatt moved to insert the county of Lawrence;

Mr. Tague moved to insert the county of Hancock; when

On motion by Mr. Robinson of Carroll,

The bill was referred to the committee on elections.

No. 118. A bill legalizing special sessions of the board of county commissioners of the county of Daviess;

No. 119. A bill to amend an act entitled, an act to incorporate the Vevay and Napoleon turnpike companies; approved January 15, 1844;

Were severally read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 120. A bill in relation to county treasury bonds;

Was read a second time, and referred to the committee on ways and means.

Mr. Gregory moved to adjourn;

Which did not prevail.

No. 121. A bill in relation to penalties upon county commissioners;

No. 122. A bill to locate a State road therein named, and for other purposes;

Were severally read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 123. A bill to extend the time of payment upon the sales of canal lands;

Was read a second time, and referred to the committee on canals and internal improvements.

No. 124. A joint resolution on the subject of the public lands;

Was read a second time, and referred to the committee on ways and means.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared

the following enrolled with the original bills of the Senate, and find the enrollment correctly made.

No. 45. An act to change a county road to a State road in Sullivan county :

No. 57. An act fixing the time of holding the terms of the probate court in Marion county, and for other purposes ;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion ;

No. 85. An act in relation to petit jurors in the county of Porter ;

No. 95. An act to change the name of "Indiana Baptist Manual Labor Institute," to that of Franklin College ;

No. 38. An act for the relief of Francis Linck and Bayless Bennett of Vanderburgh county ;

No. 91. An act to amend an act entitled, an act to locate certain State roads therein named, and for other purposes, approved January 15, 1844 ;

No. 83. An act to locate a State road in the county of Switzerland ;

No. 59. An act for the relief of the heirs of Peter Riebold, deceased ;

Also, bills of the House No. 78. An act for the relief of Daniel Wise ;

No. 25. An act to change the name of James Cowdery Smith ;

No. 7. An act to repeal a portion of an act entitled "an act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike ;"

The committee further report, that on this day, the 26th December, they presented all of the foregoing bills to his excellency, the Governor, for his approval and signature.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they did, on the 20th inst., present to his Excellency, the Governor, for his approval and signature, the following joint resolution of the Senate :

No. —. A joint resolution to revive a certain act therein named.

No. 125. A bill relating to interest ;

Was read a second time and referred to the judiciary committee.

No. 126. A bill to abolish the office of County Auditor in the county of Orange ;

No. 129. A bill to change the name of Anna Maria Schmoll ;

Were severally read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 130. A bill to repeal an act authorizing the administrators of Matthew H. Kempton, deceased, to bring certain suits in Perry county;

Which was read a second time and ordered to be engrossed.

On motion,

The House adjourned.

FRIDAY MORNING, DECEMBER 27, 1844.

The House met pursuant to adjournment.

Mr. Handy presented a petition from sundry citizens of Shelby county, praying for the passage of a law authorizing the leveeing of Blue River;

Which was referred to a select committee consisting of Messrs. Handy, Byers, and Whight.

Mr. Heustis presented a remonstrance from Benjamin Plummer and others, of Dearborn county, against the annexation of any portion of said county to the county of Ohio;

Which was laid on the table.

Mr. McAllister presented a petition from sundry citizens of Madison county, praying for the passage of a law restricting voters to their own townships;

Which was laid on the table.

Mr. Tague presented a petition from sundry citizens of Hancock county, on the same subject;

Which was laid on the table.

Mr. Herod presented a petition from sundry citizens of Bartholomew county, on the same subject;

Which was laid on the table.

Mr. Hostetter presented a petition from sundry citizens of Vermillion and Vigo counties, praying for the location of a State road therein named;

Which was referred to a select committee consisting of Messrs. Hostetter, Hodges, and Garrett.

Mr. Lewis of Wayne, presented a petition from Daniel Ulrick and others, praying for the vacation of a certain road therein named;

Which was referred to the committee on roads.

Mr. Pomeroy presented a petition from sundry citizens of Fulton and Marshall counties, relative to the sale of land in forty acre lots by the commissioner of the Wabash and Erie Canal;

Which was laid on the table.

Mr. Blakemore presented a petition from sundry citizens of the

county of Carroll, praying for the incorporation of a company for the improvement of the Michigan road;

Which was referred to the same committee to which a similar petition was referred some days ago.

Mr. Pomeroy presented a remonstrance from sundry citizens of Fulton county, against the annexation of a portion of said county to the county of Wabash;

Which was referred to the select committee to which a similar petition was referred heretofore.

Mr. Osborn presented the petition of William Sutherland and others, of Laporte county, relative to the payment of the interest on the State debt;

Which was laid on the table.

Mr. Ford presented a petition from sundry citizens of Randolph, Jay, and Delaware counties, asking the repeal of a law declaring the Mississinewa river a public highway;

Which was referred to a select committee, consisting of Messrs. Ford, Huey, and Tomlinson.

Mr. Garrett presented the memorial of Alexander Beard, of Vigo county;

Which was referred to the committee on canals and internal improvements.

Mr. Rosseau presented a petition from sundry citizens of Greene county, relative to the relief laws;

Which was referred to the judiciary committee.

Mr. Hazelrigg presented a remonstrance from sundry citizens of Boone county, against an increase of the salary of the Auditor of said county;

Which was referred to the committee on claims.

Mr. Hill presented a petition from sundry citizens of Clinton county, praying for the incorporation of a company for the improvement of the Michigan road;

Which was referred to a select committee to which a similar petition was referred a few days since.

REPORTS OF COMMITTEES.

Mr. Herod made the following report:

MR. SPEAKER :

The committee of ways and means, to whom was referred resolutions of the House, and a petition relative to township assessors, and a re-valuation of real estate, have had those subjects under consideration, and directed me to report the following bill, and recommend its passage:

No. 224. A bill to provide for the election of township assessors, to define their duties, and for other purposes;

Was read a first time, and,
 On motion by Mr. Herod,
 One hundred copies were ordered to be printed for the use of the House.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of the House enquiring into the expediency of amending the bastardy law, have had the same under advisement, and instructed me to report that legislation on that subject is inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged.

Mr. Tomlinson made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution enquiring into the expediency of amending the probate law, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 225. A bill, in above report mentioned, to amend the probate law:

Was read a first time and ordered to a second reading.

Mr. Tingley made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill of the House No. 146, entitled, "A bill to amend the seventh article of the thirteenth chapter of the Revised Statutes," have had the same under consideration, and instructed me to report legislation on that subject unnecessary, as they deem the present law as good as any that can be enacted under existing circumstances; we herewith report the same back to the House, and recommend that it be laid on the table.

The report was concurred in, and bill No. 146 was laid on the table.

Mr. Tomlinson made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution enquiring into the expediency of amending the poor law, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 226. A bill, in above report mentioned, for the relief of the poor;

Was read a first time and ordered to a second reading.

Mr. Pomeroy made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred "An act for the relief of Henry Pierce," have had the same under consideration, and instructed me to report it back to the House, and respectfully recommend an indefinite postponement of said bill, inasmuch as the said Henry Pierce and all others concerned have a full and adequate remedy at law under the laws now in force: said committee ask to be discharged from the further consideration of said bill.

The report was concurred in, and bill No. 196 was indefinitely postponed.

Mr. Anthony made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of Boone county on the subject of altering the criminal law, as it respects trivial breaches of the peace, so as to give justices of the peace exclusive jurisdiction over all assaults and batteries and other unlawful acts, where the fine shall not exceed twenty dollars, have had that subject under consideration, and have directed me to report, that a bill is now before the House to regulate the jurisdiction of justices of the peace in such cases, and ask to be discharged from a further consideration thereof.

The report was concurred in, and said committee discharged.

Mr. Anthony made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of Lagrange county, on the subject of collecting taxes throughout the State, or at least in the county of Lagrange, be so modified that collectors and assessors be appointed or elected in each township, have had that subject under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the matter.

The report was concurred in, and said committee discharged.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House, No. 149, entitled, "An act amending the 19th section of 12th chapter, article seven, of Revised Statutes of '43, and repealing an act approved January 15, 1843," have considered the same, and instructed me to report the bill back to the House, and recommend that it be indefinitely postponed.

The report was concurred in, and bill No. 149 was indefinitely postponed.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of John Brownlee and others, citizens of Gibson county, praying for relief, have had the same under consideration, and instructed me to report the following bill, and recommend its passage:

No. 227. A bill in foregoing report mentioned, to change the venue in certain suits instituted by the Vincennes University;

Was read a first and second times, the rules being suspended therefor; when

Mr. Robinson of Carroll, moved that it should not be engrossed.

Which prevailed.

Mr. Robinson of Carroll moved to reconsider the vote just taken, on his motion not to engross;

And the House re-considered said vote.

Mr. Robinson of Carroll then moved to refer it to a select committee; when

Mr. Whight moved to lay the bill and documents on the table;

Which prevailed.

Mr. Robinson of Carroll made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of citizens of Elkhart county on the subject of justices jurisdiction in actions of debt and assumpsit in that county, have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The above report was concurred in.

Mr. Pettit made the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred a bill of the House in relation to proceedings upon writs of *ad quod damnum*, having had the same under advisement, have instructed me to report the same back to the House without amendment, and recommend its passage.

No. 221. A bill in above report mentioned, in relation to writs of *ad quod damnum* ;

Was ordered to be engrossed for a third reading.

Mr. Sullivan made the following report :

MR. SPEAKER :

The committee to whom was referred the petition of Aza Charles, and others, praying that purchasers of school and saline lands who had paid part of the purchase money on said lands, might relinquish so much of the land purchased by them as they were unable to pay for, have had the matter under consideration, and directed me to report that it is inexpedient to legislate thereon, and ask to be discharged, &c.

On motion by Mr. Vandever,

The report and accompanying petition was referred to a select committee.

The Speaker appointed Messrs. Vandever, Conner, and Bell, said committee.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the bill of the Senate, to regulate the pay of grand and petit jurors, have had the same under consideration, and instructed me to report the same back to the House with the accompanying amendment, and respectfully recommend its passage.

To the same committee was also referred a bill of this House, regulating the fees of grand and petit jurors, in the several counties of this State, for the reason that the subject matter has been provided for in the accompanying bill of the Senate, and the amendment of this committee, your committee have instructed me to report the same back to the House, and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

The question being on concurring in the amendment proposed by the committee to

No. 30. A bill of the Senate to regulate the pay of grand and petit jurors, mentioned in said report,

Mr. Barclay moved to strike out the third section of the amendment ;

Which prevailed.

Mr. Hodges moved to strike out all that gives discretionary power to boards of commissioners ;

Which did not prevail.

Mr. Hardin moved to amend, so that the grand and petit jurors in the county of Johnson, shall be allowed one dollar per day for their services as such jurors, and in said county, the commissioners shall have no discretionary power to fix the fees of said jurors ;

Which was not adopted.

Mr. Walker moved to amend the amendment of the committee in such a manner, that jurors in Vanderburgh county, shall receive one dollar and twenty-five cents per day ;

Which was not adopted.

Mr. Conduit moved to amend, so that the jurors in Morgan county shall receive one dollar per day ;

Which was not adopted.

The amendment of the committee was then concurred in, and the bill as amended, ordered to be engrossed.

On motion by Mr. Stapp,

The report, together with House bill No. 39, regulating grand and petit jurors,

Was laid on the table.

Mr. Osborn made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred bill No. 47, "an act declaratory of the meaning of the 28th section of the third article of the 31st chapter of the Revised Statutes of 1843," have had that subject under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

No. 47. A bill in the above report mentioned, was ordered to be engrossed for a third reading.

Mr. Tingley made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred the petition of Richard Terrill's heirs, praying for relief, &c. ; the object of the petitioners is to effect a sale and transfer of the fee simple interest of Terrill's heirs in certain real estate in this State, said heirs being minors by legislative enactment to avoid the costs and charges incident

to an application for power to sell under the laws of the State. That the State can by an act of the General Assembly divest herself of title to real estate, no one will controvert; but whether that power can be extended so as to transfer a valid title to third persons to real estate belonging to infants, is at least questionable, if the same can at all be done constitutionally. A reasonable doubt as to the power of legislating on this subject, and the precedent thereby established of acting on matters peculiarly within the province and jurisdiction of our courts, having the power to grant all the relief prayed for in this case, have induced the committee to report legislation on this subject inexpedient, and ask to be discharged from the further consideration of the same.

Which was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Bell made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of sundry citizens of Boone county, praying for a change in the State road leading from Indianapolis to Lafayette, have had the same under consideration, and directed me to report the following bill, recommend its passage, and ask to be discharged from the further consideration of the same.

No. 228. A bill in above report mentioned, to re-locate a part of the Indianapolis and Lafayette State road in the county of Boone;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Jones of Fountain made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the report of the Auditor of State, showing the amount of compensation allowed to officers on the Wabash and Erie canal for the years 1843-4, have had the same under consideration, and have directed me to report that the reduction of expenditures by way of payment to officers, in 1844, is two thousand five hundred and forty-five dollars.

Which was concurred in by the House.

Mr. Jones of Fountain, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred "a joint resolution in relation to a grant of land for

the completion of the northern end of the Central canal," have had that subject under consideration, and have directed me to report the said joint resolution back to the House and recommend its passage:

No. 48. A joint resolution, in above report mentioned;
Was engrossed, rules suspended, read a third time, and passed.
Ordered, That the Clerk inform the Senate thereof.
Mr. Jones of Fountain, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred "No. 220. A bill allowing application for damages from the Madison and Indianapolis Railroad," have had that matter under consideration, and have instructed me to report the same back to the House and recommend its indefinite postponement:

On motion by Mr. Stapp,
The report and bill No. 220, was laid on the table.
Mr. Robinson of Carroll, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 103, entitled, "a bill relative to the assignment of canal land office certificates," have had the same under consideration, and have directed me to report the same back to the House with one amendment, and with that amendment to recommend its passage, to-wit:

Strike out from the enacting clause and insert the following:

That any holder of any canal land office certificate of the Wabash and Erie canal lands, which may have been assigned to him *bona fide*, and which assignment has not been acknowledged according to law at the time of such assignment, may establish his right to the land in such certificate specified, by evidence either oral or written, by written affidavit or otherwise, to the satisfaction of the general superintendent of the Wabash and Erie canal, or other person who, by law, may be authorized to issue final patents for such canal lands.

That when such proof shall have been, as above provided, to the satisfaction of the said person authorized to issue said patents, such assignments shall be deemed as valid in law as they would have been if such assignments had been acknowledged according to law.

When the person authorized to issue shall be satisfied by such proof, that any such holder of such certificate is *bona fide*, the owner of the land specified in such certificate, he shall issue a final patent to such holder or assignee of such certificate for the land specified therein.

This act shall be in force from and after its passage.

The amendment was concurred in;
 And bill No. 103 was ordered to be engrossed.
 Mr. Brown made the following report:

MR. SPEAKER:

A majority of the select committee to whom was referred a petition of sundry citizens of the county of Perry, living within the bounds of the territory that is prayed to be attached to the county of Crawford, together with a remonstrance of some of the citizens of said Perry county, living in the remote part of the county, have had the same under consideration, and directed me to report the following bill and recommend its passage:

Mr. Huckaby dissents from the above report.

No. 229. A bill to attach a certain portion of the county of Perry to the county of Crawford;

Was read a first time and ordered to a second reading.

Mr. Bruce made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of John Duncan and sundry other citizens of the counties of Marion and Hendricks, have had under their consideration the said petition, and have instructed me to report the following bill and recommend its passage:

No. 230. A bill to modify and change a part of the boundary line between the counties of Marion and Hendricks;

Was read a first time and ordered to a second reading.

Mr. Sullivan made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of A. Hendricks and son, have had that subject under consideration, and directed me to report by bill:

No. 231. A bill, in the above report mentioned, for the relief of Hendricks and son;

Was read a first time and ordered to a second reading.

Mr. Huey made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Samuel L. Rugg and sundry other citizens of Adams and Allen counties,

praying for the improvement of the navigation of the St. Mary's river, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 232. A bill in relation to the navigation of the St. Mary's river;

Was read a first time and ordered to a second reading.

Mr. Pomeroy made the following report:

MR. SPEAKER:

The select committee, to whom was referred a bill fixing the time of holding courts in the eighth judicial circuit, and for other purposes, have had the same under consideration, and a majority thereof requested me to report the same back to the House with an accompanying amendment, and respectfully recommend the passage of said bill as amended.

Amend by striking out the fourth, fifth, sixth and seventh sections. The amendment was concurred in, and

No. 40. A bill mentioned in the above report,

Was read a third time, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Peek made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Martin, Lawrence, and Orange counties, in relation to a State road therein named, have had the same subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 233. A bill, in above report mentioned, to relocate a part of a State road therein named;

Was read a first time and ordered to a second reading.

Mr. McClure of Knox made the following report:

MR. SPEAKER:

The select committee, to whom was referred joint resolution No. 30, entitled, "A joint resolution in relation to the improvement of the navigation of the Wabash river," have had that subject under consideration, and have directed me to report, that they deem the subject a matter of great importance to the interests of the State of Indiana, but that they find on the files of joint resolutions from the Senate, a resolution providing for the same important object, which renders further legislation on the matter referred to them unnecessa-

ry; they, therefore, have directed me to report the same back to the House, and recommend that it be laid on the table.

The report was concurred in, and joint resolution No. 30 was laid on the table.

Mr. Blakemore made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Cass county, praying a State road from Logansport to Kokomo, in Richardville county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 234. A bill to locate a State road therein named;
Was read a first time, and passed to a second reading.

RESOLUTIONS.

Mr. Miller offered the following resolution:

Resolved, That the House will, the Senate concurring therein, meet in the Hall of the House of Representatives on Monday next, at 10 o'clock, A. M., and proceed to the election of a Senator of the United States, to serve as such Senator for six years from and after the 4th day of March next.

Mr. Simonson moved to indefinitely postpone the resolution;
Pending which,

On motion,
The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of Mr. Miller's resolution.

The question being on its indefinite postponement,

Mr. Tingley moved a call of the House;

Which was sustained.

When all the members were found to be present except Messrs. Bradley, Conner, Foresman, Hambrick, Hardin, Heustis, Hoggatt, Hostetter, Huckaby, Jones of Fountain, Nutter, Peek, Robinson of Carroll, Rose, Sullivan, and Wolf.

Mr. Whight moved to suspend the further call of the House;

And the ayes and noes being demanded by Messrs. Whight and Robinson of Decatur,

Those who voted in the affirmative are,

Messrs. Conner, Darrow, Duzan, Endicott, Foresman, Fry, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Palmer, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—43.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bruce, Claypool, Colms, Conduit, Cowen, Ford, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Peek, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Stapp, Stophlet, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—48.

So the further call was not suspended.

The Clerk then proceeded with the call.

Mr. Handy moved to suspend the further call;

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Brecount, Brown, Byers, Cowen, Davis, Duzan, Endicott, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Pettit, Robinson of Carroll, Shanks, Shively, Simonson, Tague, Turman, Vandever, Walker, Wills, Whight, and Wright of Switzerland—44.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bruce, Claypool, Colms, Conduit, Conner, Darrow, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Peek, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Snook, Stapp, Stophlet, Tingley, Tomlinson, Wilson, Wolf, and Wright of Wayne—49.

So the further call was not suspended.

The Clerk again proceeded with the call, when,

On motion by Mr. Simonson,
A further call was suspended.

Mr. Simonson then withdrew his motion to indefinitely postpone, and moved to lay the resolution on the table.

The ayes and noes having been demanded by Messrs. Simonson and Handy,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Kelly, Lanus, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—45.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Peek, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—49.

So the resolution was not laid on the table.

Mr. Tingley moved the previous question; when,

Mr. Robinson of Carroll, made the following point of order:

It is not in order to consider this resolution, because the House did, on the — day of December, and during the present session, pass a resolution of the same kind as this, upon the same subject, and nearly or quite in the identical words of the resolution which was reported to the Senate, and the House has not yet received any message from that body as to what action, if any, has been had thereon upon the resolution thus sent to them; and until we do receive such a message from the Senate, we cannot act upon and pass this resolution now under consideration.

The Chair stated that the point of order was one which should be decided by the House, and that the vote on the resolution might be considered as deciding that point.

The House then seconded Mr. Tingley's motion for the previous question.

The question being, "Shall the main question be put?"

And the ayes and noes having been demanded by Messrs. Robinson of Carroll, and —;

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Boardman, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Anthony, Bell, Brecount, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—43.

So the main question was ordered to be put.

The question then being, "Shall the resolution be adopted?"

And the ayes and noes having been demanded by Messrs. Simonson and Robinson of Carroll;

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Palmer, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—43.

So the resolution was adopted.

Mr. Whight offered the following resolution:

Resolved, That hereafter this House will meet at half past 8 o'clock, A. M., each day.

Mr. Hazelrigg moved to amend by inserting, that it will sit until half past 12 o'clock, M., and until 7, P. M.

Mr. Osborn moved to amend by striking out half past one and inserting "two."

Mr. Gregory moved to lay the resolution and amendments on the table.

And the ayes and noes being demanded by Messrs. Whight and Rose;

Those who voted in the affirmative are,

Messrs. Anthony, Davis, Endicott, Gregory, Grubbs, Hardin, Huckaby, Jones of Fountain, Kerr, Lanius, Legg, Leslie, Mooney, Osborn, Pomeroy, Robinson of Carroll, Rosseau, Shively, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, and Wolf—27.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Cowen, Darrow, Duzan, Ford, Foresman, Fry, Fuller, Garrett, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Vigo, Kelly, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Nimmon, Nutter, Odell, Palmer, Peek, Pettit, Rich, Robinson of Decatur, Rose, Shanks, Shelby, Simonson, Smith, Tague, Turman, Vandever, Walker, Whight, Wright of Wayne, and Mr. Speaker—67.

So the resolution was not laid on the table.

Mr. Vandever then moved the previous question;

Which was seconded by the House;

And the main question was ordered to be put.

The main question then being put, "Shall the resolution be adopted?"

And the ayes and noes being demanded by Messrs. Robinson of Carroll, and Whight;

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conner, Cowen, Duzan, Ford, Foresman, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hinchman, Hodges, Hoggatt, Huey, Jamison, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, Little, McAllister, Mc-

Clure of Knox, McClure of Scott, McGauhey, Manville, Nimmon, Nutter, Odell, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Shanks, Shelby, Simonson, Smith, Tague, Vandever, Walker, Wills, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Darrow, Davis, Endicott, Fry, Fuller, Gregory, Grubbs, Heustis, Howard, Huckaby, Jones of Fountain, Kerr, Legg, Leslie, Lewis of Wayne, Miller, Montgomery, Mooney, Osborn, Robinson of Carroll, Rosseau, Shively, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wilson, and Wolf—34.

So the resolution was adopted.

Mr. Wright of Wayne offered the following resolution :

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law as it respects property exempt from execution, so that it shall not extend to any but heads of families.

Which was not adopted.

Mr. Walker offered the following resolution :

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 28th section of the 28th chapter of the Revised Statutes, so as to extend the power of taking acknowledgement of deeds and other instruments of writing therein named to judges of the probate court, and report by bill or otherwise.

Which was not adopted.

On motion by Mr. Wills,

Resolved, That his Excellency, the Governor, be respectfully requested to inform this House at his earliest convenience, whether any propositions have been made ; and if any of what nature, relative to the more permanent establishment of the asylum for the deaf and dumb of this State, as provided for in the 16th section of an act, approved January 15, 1844.

The Speaker laid before the House the following communication from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }
December 27, 1844. }

To the Speaker of the

House of Representatives :

SIR : The memorial from many citizens of Monroe county to the General Assembly, asking that the asylum for the education of the

deaf and dumb may be located at Bloomington in said county for the reasons therein set forth, and proffering in that contingency the contributions for the use of that institution respectively affixed to their signatures, is herewith transmitted to be laid before the body over which you preside; pursuant to the request of the petitioners, I also enclose an authenticated order of the commissioners of said county, made at the December term thereof, 1844, imposing a tax of one cent on each one hundred dollars worth of real and personal property for the next ten years, for the use of said institution, provided the asylum is located in said county, and the certificate of the auditor of the amount of taxable property in the county as returned by the assessor.

I am very respectfully, your obedient servant,

JAS. WHITCOMB.

Which, with the accompanying papers, was referred to the committee on education.

On motion by Mr. Tingley,

Resolved, That the commissioner of the Wabash and Erie Canal communicate to this House, why he has not reported his proceedings this year on the division of said work east of Tippecanoe river to this House, and the cause of such delay.

Mr. Hazelrigg, in behalf of himself and others, presented the following protest, which was ordered to be spread on the journal :

The undersigned, members of the House of Representatives of the present General Assembly, avail ourselves of the right secured to us by the 10th section of the 3rd article of the constitution, to protest against the passage of an act entitled, "An act to confine voters to their respective townships."

We believe that the people by their representatives may do any and every thing which they have not prohibited themselves from doing by the Constitution, but when they have by their own act in that instrument, debarred themselves from the exercise of a power, we believe that the Legislature is as incompetent to exercise the prohibited power, as though it was a government of limited and delegated powers; and of all the rights which the people have secured to themselves, that of the free exercise of the right of suffrage is held the most sacred, a right which is "inestimable to freemen and a dread to tyrants only," and one that instead of being restricted to narrower limits, if it should be changed at all, ought rather to be extended, believing as we do that it would be more "liable" to permit two illegal votes to be given, than to prevent by unconstitutional legislation one citizen from voting when and where he has a constitutional right to vote.

Any law which will prevent the citizen who resides in the county from voting at any general election, at the county seat or at any other place in the county where a poll is opened, is in direct violation of the first section of the sixth article of the Constitution which

provides that, "*In all elections*, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, shall be entitled to vote in the county where he resides."

Believing that the act referred to is in direct violation of the above recited section of the Constitution, an infringement of the dearest rights of freemen and the fundamental principles of a representative government, we are constrained as a duty we owe to ourselves and the people we represent, to enter our most solemn protest against its passage.

H. G. HAZELRIGG,
JOSHUA B. HUCKABY,
WILLIAM H. NIMMON,
THOS. M. SMITH.

Mr. Rose offered the following resolution:

Resolved, That a committee of one from each judicial circuit be appointed to enquire into the expediency of dividing the State into probate circuits and electing judges therein; which,

On motion by Mr. Handy,

Was laid on the table.

On motion by Mr. Helwig,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating tolls for grinding at the several water mills in this State, so that not more than the tenth bushel be allowed north of the national road, and report by bill or otherwise.

Mr. Tomlinson offered the following preamble and resolution, which was not adopted:

WHEREAS, it has been represented to this General Assembly, that it has heretofore been required of the several county auditors of this State to enter in separate columns in the tax duplicate, the deaf and dumb and lunatic asylum tax which has greatly multiplied the labors of said auditors; therefore,

Be it resolved, That the committee of ways and means be instructed to enquire into the expediency of so arranging the general revenue bill of the present session as to relieve the county auditors of this unnecessary labor, by making it the duty of the Treasurer of State to set apart from the gross amount of revenue collected and returned to his office, the amount contemplated in the act for the deaf and dumb and lunatic asylum tax.

On motion by Mr. Pettit,

Resolved, That the committee on education enquire into the expediency of providing by law, for taking a census of all persons blind, deaf and dumb, and lunatic or insane, at the time of making the enumeration of the white male inhabitants of this State, with the view of furnishing a future General Assembly the information ne-

cessary or desirable in establishing the contemplated public charities worthy of the humanity of the State, from those suffering from a deprivation of reason, sight and speech.

BILLS INTRODUCED.

By Mr. Miller,

No. 235. A joint resolution giving to certain members a copy of the Revised Statutes;

Which was read a first time and ordered to a second reading.

By Mr. Jones of Fountain,

No. 236. A bill providing for the better collection of the water rents due the State;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on canals and Internal Improvements.

By Mr. Hoggatt,

No. 237. A bill to amend an act entitled an act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes, passed February 2, 1843.

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on the State Bank.

By Mr. Stophlet,

No. 238. A bill for the extension of the time of holding the Probate courts in the county of Allen, and for other purposes;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Tague,

No. 239. A bill to regulate the attendance of grand jurors in the fifth judicial circuit:

By Mr. Smith,

No. 240. A bill to repeal an act entitled, "An act to authorize the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county," approved January 29, 1842, and an act amendatory of said act, approved February 11, 1843;

By Mr. Bruce,

No. 241. A bill to prevent the election of public defaulters;

By Mr. Nimmon,

No. 242. A bill fixing the fees of jurors in the several counties therein named;

By Mr. Conner,

No. 243. A bill to locate a certain State road therein named;

By Mr. Darrow,

No. 244. A bill to carry into effect the provisions of a certain act therein named;

Which were severally read a first time, and ordered to a second reading.

On leave granted,

Mr. Jones of Fountain introduced the following resolution:

Resolved, That this Hall be tendered to the State Temperance Society for their use on Monday evening, the 30th inst., for the purpose of advancing the holy cause which that society is so energetically engaged to promote.

Which was adopted.

By Mr. Miller,

No. 245. A bill for the punishment of certain crimes therein named;

By Mr. Robinson of Carroll,

No. 246. A bill to authorize Mary Ann Bruner of Ripley county, to file her bill in the Ripley Circuit court for a divorce from her husband, Joel Bruner;

Which were severally read a first time, and ordered to a second reading.

By Mr. Grubbs,

No. 247. A bill to amend a certain act therein named;

By Mr. Sullivan,

No. 248. A bill relative to the expenses of changing the venue in civil cases;

Which were severally read a first and second times, the rules being suspended therefor, and referred to the judiciary committee.

By Mr. Shively,

No. 249. A bill to amend an act entitled, an act for the relief of Ann Franklower, approved January 15, 1844;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Grubbs,

No. 250. A bill to amend an act entitled, an act to amend an act entitled an act supplemental to an act, subjecting real and personal property to execution, approved February 11, 1843;

Which was read a first time, and ordered to a second reading.

By Mr. Pettit,

No. 251. A bill to extend the February term of the Miami Probate court A. D. 1844;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Whight,

No. 252. A bill to prevent the unnecessary waste of the people's money;

Which was read a first time, and passed to a second reading.

On motion,

The House adjourned.

SATURDAY MORNING, DECEMBER 28, 1844.

The House met pursuant to adjournment.

PETITIONS &c., PRESENTED.

Mr. Snook presented a petition from W. G. McDowell and others, relative to a State road leading from Delphi to Crawfordsville;

Which was referred to the committee on roads.

The Speaker laid before the House a report of the General Superintendent of the Wabash and Erie canal;

Which was,

On motion by Mr. Robinson of Carroll,

Laid on the table, and 500 copies of the same were ordered to be printed.

Mr. Vandever presented a petition from sundry citizens of Orange county, praying for the location of a State road therein named;

Which was referred to a select committee consisting of Messrs. Vandever, Bell, and Robinson of Carroll.

Mr. Tingley presented a petition from Conrad Row and others, for relief;

Which was laid on the table.

Mr. Hardin presented a petition from Mildrew Ann Sparks, praying for a divorce from her husband, Richard Sparks;

Which was referred to the judiciary committee.

Mr. Robinson of Decatur, presented a memorial from sundry citizens of Decatur county, protesting against the annexation of Texas, and praying for the repeal of certain laws, &c.;

Which was referred to the judiciary committee.

Mr. Legg presented a petition from sundry citizens of Wayne county, praying for the passage of a law restricting voters to their own townships;

Which was laid on the table.

On motion by Mr. Blakemore,

Messrs. Robinson of Carroll, and Jamison, were added to the select committee to which was referred the petitions relative to the Michigan road.

Mr. McClure of Scott, presented a petition from sundry citizens of Scott county, in relation to certain school lands therein named;

Which was referred to the committee on education.

Mr. Jones of Fountain, presented a petition from sundry citizens of Fountain county, on the subject of an exchange of water with the Wabash and Erie canal;

Which was referred to the committee on canals and internal improvements.

Mr. Sullivan presented a petition from Eliz. Finley and others, asking for relief;

Which was referred to the judiciary committee.

Mr. Conduit presented the petition of Rebecca Goble, praying for a divorce;

Which was referred to the judiciary committee.

REPORTS OF COMMITTEES.

Mr. Robinson of Decatur, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the resolution of this House, on the subject of electing township assessors in the county of Dubois, have directed me to report that, in the opinion of your committee, the law on that subject should be uniform throughout the State, and that it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof:

Which was concurred in by the House.

Mr. Robinson of Decatur made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred bill No. 116 of this House, instructing them to enquire into the expediency of passing a general law providing for the election of county surveyors at the annual election on the first Monday of August, have, according to order, had the same under consideration, and have directed me to report that, in the opinion of your committee, further legislation on that subject at this time, is inexpedient; they, therefore, report said bill back to the House and ask to be discharged from the further consideration thereof:

No. 116. A bill, in above report mentioned, to authorize the citizens of Jay and Adams counties to elect a county surveyor; was,

On motion of the different members representing the following counties, amended so as to include in its provisions said counties, to-wit:

Grant, Clinton, Jennings, Rush, Marshall, Fulton, Kosciusko, Whitley, Martin, White, Lawrence, Owen, Putnam, Brown, Wabash, Miami, Marion, Randolph, Noble, Lagrange, Steuben, De Kalb, Huntington, Wells, Blackford, Greene, and Crawford.

When Mr. Rose moved to amend by adding to the 1st section the following proviso:

Provided, however, That no person shall be eligible to said office unless he shall first have obtained from one or more of the President Judges of the Circuit Courts, a certificate that he is qualified to execute the duties of the office of county surveyor;

Which was adopted.

Mr. Palmer moved to amend by striking out two years and inserting four years in lieu thereof;

Which did not prevail.

On motion by Mr. Hambrick,

The bill was so amended as to make the term of said office three years.

The bill was then considered engrossed, rules suspended, read third time, and passed.

On motion,

The title of the bill was so amended as to embrace the names of all the counties therein named.

Ordered, That the Clerk inform the Senate thereof.

Mr. Whight, from the minority of the committee of ways and means, made the following report:

MR. SPEAKER:

The undersigned, a minority of the committee on ways and means, to whom was referred the communication of Geo. H. Dunn, late Treasurer of State, in relation to a discrepancy found to exist between the amount of funds received by the said Dunn while Treasurer, and the amount that he has paid over and accounted for to his successor, report that the committee have had that subject under consideration, and a majority have reported a joint resolution to the House for the relief of the said Dunn. The undersigned have been compelled, by a strong sense of duty which they owe to the State and themselves, to dissent from the above report of the majority.

1st. Because they believe that all public officers should be held to a strict accountability for all their public acts.

2d. That they should be made to account satisfactorily for every dollar of public moneys that they have received by virtue of such office. In this case Mr. Dunn has not, in the opinion of the undersigned, produced before the committee the shadow of proof that the lost funds were destroyed as is conjectured in his communication to the House. Mr. Dunn, as a public officer, owed it no less to his own reputation than to the State, whose officer he was, to be particularly careful in the handling and safe keeping of all funds received by him as Treasurer. This the undersigned does not pretend to say was not the case. But if that care and diligence were exercised in the Treasurer's office that should be in all offices of the kind, the undersigned are at a loss how to account for any probability of the mutilated and un mutilated notes getting mixed together.

Mr. Dunn states that the mutilated notes were placed in a box provided for that purpose, and that the un mutilated notes were placed in the iron safes in the vault of the Treasury.

He also states that "the quantity of un mutilated notes on hand was sometimes so great that the iron safes would not contain them, and they were piled up in various places in the vault," and he adds,

"that it may have been that some package of uncounted and un mutilated notes might have got mixed with the others." This the undersigned grant might possibly have been the case, (had the funds been handled in a loose and careless manner,) but we have no evidence to sustain it,—we have mere conjecture only.

The undersigned cannot conceive how so large a bundle of funds as ten thousand dollars could have gotten from among the uncounted and un mutilated bundles, without the fact being discovered by the committee on ways and means of last year. The committee on ways and means of the session of 1842-3, counted and mutilated a large amount of various kinds of funds, which Mr. Dunn states was placed in a box in the vault of the Treasury; of course the books of the Treasury showed how much had been received up to the time that the committee of 1842 examined the same. That committee no doubt was careful to see that the amount that they counted and mutilated, tallied with the amount charged on the books of the Treasury, and all amounts received after that committee had examined the Treasury, should have been regularly entered in the books of the same. And when the committee on ways and means of the session of 1843-4 came to examine the Treasury, it appears that they found the amount charged on the books of the Treasury, to agree with the amount that they counted and mutilated, and they counted all the funds in the Treasury with the exception of some parcels of one quarter of one per cent. Treasury notes which had not been in circulation, and some other small amounts of funds which Mr. Dunn has since handed over to his successor.

Then, we ask, how could it have been possible that a package of uncounted and un mutilated notes could have gotten into the box of mutilated paper, without the fact being discovered by the committee on ways and means? For that committee no doubt was careful to see that the amount they counted and mutilated agreed with the amount charged on the books of the Treasury, then of course, if so large an amount as ten thousand dollars had been placed by accident or mistake among the mutilated funds, the fact would not have failed to have been discovered. The evidence of Mr. Mooney and Doct. Bowles, members of the committee of ways and means last year, is introduced to attempt to throw some light on the subject. There seems to be great stress laid upon the fact, that while the committee on ways and means of last year were throwing the Treasury notes and other funds that had been cancelled by them and their predecessors, into the pool of the paper mill, for the purpose of having them pass under the machinery to be destroyed, that Mr. Mooney discovered a few notes that had not been punched or mutilated, as was the case, as the committee and Treasurer thought, with all that they had intended to destroy. Mr. Mooney called the attention of Mr. Dunn to the fact, and stated that there must have been some mistake; but Mr. Dunn upon reflection remarked, that there could be no mistake, for he "felt so much confidence in the care

which had been taken in the assorting and placing the scrip, that he could not conceive how any error should have occurred," and he instantly settled down in the conviction that it was some small lot or division of a bundle which the committee, after counting, had omitted to punch, or had failed to punch entirely through, the packages being generally so large that they had to be separated into parcels for that purpose. This he suggested to Mr. Mooney as being the probability, and requested the gentlemen of the committee to examine the packages more particularly as they opened them to see that all was mutilated." The undersigned are inclined to think that the "conviction" of Mr. Dunn was correct, from the fact that it is almost evident that there was but a small portion of the bundle noticed by Mr. Mooney, that was not mutilated; Mr. Mooney thinks himself the whole bundle could not have been un mutilated paper, else he would have noticed it, for surely if he noticed that a few bills at the bottom of the package were un mutilated, he would have discovered that the whole was so, had it been the fact. That committee were no doubt extremely careful as they thought to punch all the funds which they counted, yet in handling so many thousands of dollars, and having on many occasions, perhaps nearly all, to divide the packages into many parcels, they might have failed to mutilate, after counting, a small fragment of a bundle, and have, unnoticed, placed it among the mutilated parcels. The undersigned think it much more probable that this was the way that the unpunched bills came into the package discovered by Mr. Mooney, than that a whole bundle of un mutilated got among the mutilated paper without it being discovered by some means. The undersigned are, (however they may be disposed to commiserate the situation of Mr. Dunn,) compelled to insist that the matter should be left to take its course, according to the laws of the State, without the interference of the present Legislature in any manner whatever.

Should Mr. Dunn at any future time be able to explain the matter, and account for the lost funds, we have no doubt but the State will do him ample justice in the premises. But to let the matter remain unsettled until all the Treasury notes, canal scrip, bank scrip, &c. &c. that have been issued by the Treasury be returned, in the vain hope that the amount returned of any one of these issues, will be so much short of the amount put out, that it will appear that this \$10,812 was accidentally destroyed in the paper mill last winter, the undersigned can by no means assent to. For the amount issued of the various kinds of scrip is so large, that it will be utterly impossible, in the opinion of the undersigned, to tell whether these lost funds have been actually destroyed in the paper mill, or not. Of the old issue of Treasury notes, there was something near \$1,500,000 at one time in circulation; now it may be that one hundred thousand of this may never reach the Treasury, and the last of it may not be paid in in fifty years; so it will be with all the other funds in comparison to the amount issued. If this matter is to re-

main open until all this is done, the undersigned would have but little hopes of the State soon getting her dues in the premises ; and on the other hand, Mr. Dunn cannot complain, for he must be accountable for all such mistakes until satisfactorily explained. All of which is respectfully submitted.

ALVAN THOMAS WHIGHT,
JOEL VANDEVEER,
T. T. WRIGHT.

On motion by Mr. Herod,

The various affidavits of persons accompanying the report of the committee of ways and means upon the memorial of George H. Dunn, was ordered to be printed in connexion with the memorial aforesaid.

Mr. Herod made the following report :

MR. SPEAKER:

The committee on ways and means, have, according to order, had bill of this House No. 59, under consideration ; have made two amendments thereto, and directed me to report said bill back to the House for its concurrence therein, and recommend its passage.

The following amendments of the committee to No. 59, a bill in above report mentioned, authorizing the State Treasurer to receive certain treasury notes, and for other purposes :

Amend by striking out the second and third sections, and insert at the end of the first section,

SECTION 2. That the several county collectors are hereby likewise required to receive in payment of State revenue, all such altered State scrip at the rate the same issued from the State Treasury, as is provided in the first section thereof.

Were adopted.

The bill was then ordered, as amended, to be engrossed.

Mr. Herod made the following report :

MR. SPEAKER:

The committee on ways and means, to which was referred the bill of the House No. 62, proposed amendment, have had the same under consideration, and have directed me to report the same back to the House, with two amendments made thereto, and to ask the concurrence of the House to said amendments and recommend the passage of said bill.

Said committee have also according to order, had No. 120 of this House under consideration, and have directed me to report said bill back to the House, and ask that it be laid on the table.

No. 62. A bill in above report mentioned, defining the terms of the several county treasurers of Indiana ;

Was considered engrossed, the rules suspended, read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 120. A bill mentioned in the foregoing report, in relation to county treasurer's bonds ;

Was laid on the table.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the communication of E. Chamberlain, Esq. of Indianapolis, have had the subject matter therein contained under consideration, and have instructed me to report the same back to the House with the accompanying bill, and most respectfully ask the concurrence of the House and recommend the passage of said bill.

No. 253. A bill in above report mentioned, providing for the publication of certain laws ;

Was read a first time, and ordered to a second reading.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred a resolution of the House, instructing the committee to enquire into the expediency of so amending the road law as to allow supervisors until the first of October to work the roads, instead of the first of July, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 254. A bill in above report mentioned, to allow further time to supervisors of roads to work the same ;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to which was referred a resolution of the House instructing the committee to enquire into the expediency of so amending the road law as to compel the supervisors to work out the road tax in the district where the real estate may be situated, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 255. A bill in above report mentioned, to amend the 109th section of the 16th chapter of the Revised Statutes of 1843;

Was read a first time, and ordered to a second reading.

Mr. Bell made the following report:

MR. SPEAKER:

The committee on roads, to which was referred the bill relative to the 54th section of chapter 16th, article 1st, of the Revised Statutes, relative to roads, have had the subject under consideration, and directed me to report back the following bill, and recommend its passage.

No. 256. A bill to vacate State roads in certain cases, and for other purposes;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Manville made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of the citizens of Brown county, praying a change in the mode of doing county business, have had the same under consideration, and direct me to report the following bill, and recommend its passage.

No. 257. A bill in the above report mentioned, changing the mode of doing county business in the county of Brown;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Byers made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Jesse Daver, praying relief in a certain case therein named, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 258. A bill in above report mentioned, for the relief of certain persons therein named;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Pettit made the following report:

MR. SPEAKER;

The committee to whom was referred the petition of Benjamin H.

Scott, of Miami county, praying for relief, together with accompanying documents, have had the same under consideration, and instructed me to report the bill herewith returned, and recommend its passage.

No. 259. A bill in above report mentioned, for the relief of Benjamin H. Scott, of Miami county;

Was read three several times, the rules being suspended therefor, considered engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Stophlet introduced,

No. 260. A bill to amend the act entitled "an act establishing a State Bank, approved January 28, 1834," and the several amendments thereto;

Which was read a first time and ordered to a second reading.

Mr. Simonson moved to reconsider the vote by which the following resolution was adopted:

Resolved, That hereafter this House will meet at half past 8 o'clock, A. M., and half past 1 o'clock, P. M., each day.

Messrs. Whight and — called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Brecount, Bruce, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Fry, Fuller, Gregory, Grubbs, Heustis, Hodges, Hostetter, Howard, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Manville, Montgomery, Mooney, Osborn, Pettit, Pomeroy, Robinson of Carroll, Rosseau, Shanks, Shively, Simonson, Snook, Stapp, Sullivan, Tingley, Turman, Wolf, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Barclay, Bell, Boardman, Brown, Byers, Claypool, Colms, Ford, Foresman, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hinchman, Huey, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, McGauhey, Miller, Nutter, Odell, Palmer, Peek, Rich, Robinson of Decatur, Rose, Smith, Vandever, Walker, Wills, Whight, Wright of Wayne, and Wright of Switzerland—42.

So the vote was reconsidered.

Mr. Robinson of Carroll, moved to lay the resolution on the table.

On which the ayes and noes were called by Messrs. Rose and Whight.

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Conduit, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Fry, Gregory, Grubbs, Heustis, Hoggatt, Hostetter, Howard, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Manville, Montgomery, Mooney, Osborn, Pettit, Pomeroy, Robinson of Carroll, Rosseau, Shanks, Shively, Simonson, Snook, Stapp, Sullivan, Tingley, Turman, Vandever, Wills, Wolf, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Barclay, Bell, Boardman, Brown, Bruce, Byers, Claypool, Colms, Ford, Foresman, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Herod, Hill, Hinchman, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, McGauhey, Miller, Nimmon, Nutter, Odell, Palmer, Peek, Rich, Robinson of Decatur, Rose, Shelby, Smith, Walker, Whight, Wright of Switzerland, and Wright of Wayne—44.

So the resolution was laid on the table.

The Speaker laid before the House the following communication from H. J. Harris, Auditor of State:

AUDITOR'S OFFICE, }
December 29, 1844. }

*To the Honorable Speaker of the
House of Representatives:*

SIR:—The accompanying bill has been drawn up with a view to remedy a defect which has been found to exist in the Revised Statutes. If the House will have the bill and this communication referred to the committee on education, the difficulty proposed to be obviated will be explained to that committee.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,
Auditor of State.

The bill, mentioned in the above communication, was referred to the committee on education.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed engrossed bills of the House of Representatives, without amendment, of the following titles:

No. 77. An act to amend an act providing for the loaning of the school funds of Vigo county;

No. 143. An act for the relief of the President and Trustees of the town of Greencastle, and other purposes;

No. 148. An act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

No. 152. An act to incorporate the New Castle Band of musicians.

The Senate have passed engrossed bill of the House of Representatives entitled as follows:

No. 127. An act to provide for the election of Secretary of State and State Librarian; with two amendments;

In which I have been directed to ask, respectfully, the concurrence of this House.

The Senate have passed engrossed bills thereof, of the following titles;

No. 93. An act providing for the distribution of the Saline and Bank Tax Funds among the several counties in this State;

No. 103. An act to incorporate the Mechanics' Institute at Lafayette in Tippecanoe county;

No. 115. An act to amend an act entitled "an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

No. 116. An act to locate a State road in Randolph and Jay counties;

No. 126. An act to incorporate the Crawfordsville and Wabash Railroad Company;

No. 153. An act to authorize the purchase of real estate by Geo. W. Lane;

In which I am directed to respectfully ask the concurrence of this House.

Mr. Tingley moved that the House do disagree to the amendment of the Senate to

No. 127. A bill in said report.

Mr. Bell moved to concur in the amendment of the Senate to said bill, with an amendment, striking out so much as confers the appointing power on the Governor; when,

Mr. Hoggatt called the previous question;

Which was seconded, and the main question ordered to be put.

The main question being,

"Will the House concur in the amendment of the Senate to said bill?"

On that question the ayes and noes were called for by two members.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Claypool, Conduit, Cowen, Darrow, Duzan, Foresman, Fry, Garrett, Gregory, Grubbs,

Handy, Hannah, Hardin, Hauser, Helwig, Herod, Hodges, Hostetter, Jones of Vigo, Kerr, Lewis of Wayne, Little, McAllister, McGauhey, Miller, Montgomery, Mooney, Nimmon, Osborn, Palmer, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Turman, Walker, Whight, Wright of Wayne, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Brown, Bruce, Byers, Conner, Davis, Fuller, Hambrick, Hazehrigg, Heustis, Hill, Hoggatt, Huckaby, Huey, Jamison, Kelley, Legg, Leslie, Lewis of Dearborn, McClure of Knox, McClure of Scott, Nutter, Odell, Robinson of Decatur, Shanks, Tingley, Vanderveer, Wills, Wilson, Wolf, and Wright of Switzerland—26.

So the amendment was concurred in.

Ordered, That the Clerk inform the Senate thereof.

No. 93. A bill of the Senate in said message;

Was read a first and second times, the rules being suspended therefor, and referred to the committee on education.

No. 103. Senate bill in said message;

Was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

No. 115. Senate bill in said message;

Was read a first and second times, the rules being suspended therefor, and,

On motion by Mr. Bell,

Referred to the committee on canals and internal improvements.

No. 116. Senate bill in said message;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 126. Senate bill in said message;

Was read a first and second times, the rules being suspended therefor, and,

On motion by Mr. Gregory,

Referred to the committee on corporations.

No. 153. Senate bill in said message;

Was read a first time and ordered to a second reading.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication from Wm. Sheets, Secretary of State:

SECRETARY OF STATE'S OFFICE, }
Indianapolis, December 28, 1844. }

HON. A. C. STEVENSON, *Speaker of*
the House of Representatives:

SIR: You will please lay the enclosed communication before the House.

I am, very respectfully,
 your obedient servant,
 WM. SHEETS.

On motion by Mr. Simonson,
 The enclosed communication was referred to the committee of Ways and means.

On motion by Mr. Robinson of Carroll,
 The House suspended the order of business and took up

BILLS ON THIRD READING.

No. 32. An act to abolish the office of county auditor in the county of Tipton :

No. 37. A bill legalizing certain proceedings had in the office of school commissioner in the county of Marshall ;

No. 43. A bill declaring Black Creek in the county of Greene, a navigable stream ;

No. 44. An act to repeal an act entitled, an act relative to overseers of the poor, approved January 15, 1844, so far as the same is in Bartholomew and Spencer counties ;

No. 45. A bill to authorize supervisors to purchase suitable tools to work the roads with ;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 46. A bill to extend the powers of masters in chancery, and for other purposes ;

Was read a third time ; when

Mr. Robinson of Carroll moved to lay the bill on the table ;

Which did not prevail.

The question was then taken on the passage of the bill, which was decided in the negative.

No. 47. A bill declaratory of the meaning of the 29th section, 3rd article, 31st chapter Revised Statutes of 1843 ;

Which was read the third time, and the question being on the passage of the bill,

The ayes and noes being demanded by Messrs. Robinson of Carroll and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Brecount, Bruce, Claypool, Conner, Cowen, Darrow, Ford, Garrett, Gregory, Grubbs, Hazelrigg, Heustis, Hinchman, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, McClure of Scott, McGauhey, Manville, Miller, Nutter, Osborn, Pettit, Pomeroy, Robinson of Decatur, Shelby, Simonson, Stapp, Stophlet, Sullivan, Tingley, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—44.

Those who voted in the negative are,

Messrs. Bell, Brown, Byers, Conduit, Davis, Duzan, Endicott, Fry, Fuller, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Hill, Hodges, Howard, Kelley, Lanius, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Knox, Montgomery, Mooney, Odell, Palmer, Peek, Rich, Robinson of Carroll, Rose, Rosseau, Shanks, Shively, Smith, Snook, Turman, Vandever, Walker, Wills, and Whight—44.

So the bill did not pass.

No. 50. A bill for the relief of John Sankey, of Vigo county ;
Was read a third time ;

And the question being on its passage, and the ayes and noes having been demanded by Messrs. Wright of Switzerland, and Nutter,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Palmer, Peek, Pettit, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shively, Simonson, Snook, Turman, Vandever, Walker, Wills, Whight, and Wright of Switzerland—47.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Mooney, Nimmon, Nutter, Odell, Pomeroy, Rich, Rosseau, Shelby, Smith, Stapp, Sullivan, Tingley, Wolf, Wright of Wayne, and Mr. Speaker—42.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 53. A bill for the relief of Joseph Proctor and others;

No. 55. A bill for the preservation of wild deer in the county of Wabash;

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 60. A bill in relation to the competency and credibility of witnesses in justices courts;

Was read a third time and passed.

The title was amended by making it read in the different courts of this State.

Ordered, That the Clerk inform the Senate thereof.

No. 63. A bill for the relief of Hanson Barnett and Benjamin Powell;

No. 68. A bill to vacate an alley in the town of Pittsburg, Carroll county;

Were severally read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 67. A bill for the restoration of the burnt records of Miami county;

Mr. Tingley moved to lay the bill on the table;

And the ayes and noes having been demanded by Messrs. Pettit and Tingley,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bruce, Foresman, Fry, Gregory, Grubbs, Helwig, Herod, Hinchman, Huckaby, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGahey, Nimmon, Nutter, Robinson of Decatur, Shelby, Sullivan, Tingley, and Wright of Wayne—24.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Claypool, Cowen, Darrow, Davis, Endicott, Ford, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Hazelrigg, Heustis, Hill, Hodges, Hoggatt, Hostetter, Huey, Jamison, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Moon-ey, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shanks, Simonson, Smith, Snook, Stapp, Turman, Vandever, Walker, Wills, Whight, Wright of Switzerland, and Mr. Speaker—56.

So the bill was not laid on the table.

The question then recurred on the passage of the bill;

And the ayes and noes having been demanded by Messrs. Tingley and Pettit,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Vigo, Kelly, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Miller, Montgomery, Mooney, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Turman, Vandever, Walker, Whight and Wright of Switzerland—49.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bruce, Claypool, Colms, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGauhey, Nimmon, Nutter, Odell, Osborn, Rich, Robinson of Decatur, Rosseau, Shelby, Stophlet, Sullivan, Tingley, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—39.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 71. A bill to afford greater security against illegal voting;

Was read a third time, when

Mr. Foresman moved to commit the bill to the committee on elections, with instructions to amend by adding,

SEC. 3. That all persons who are not natural born citizens of the United States shall, if required, produce their papers of naturalization, and take the oath, as provided for in the first section of this act, that they are lost, and if lost, at what office they obtained them.

Pending which,

On motion by Mr. Whight,

The bill and instructions were laid on the table.

No. 73. A bill to authorize S. A. Rose to file his petition before the county board;

No. 75. A bill to extend the time allowed to county Auditors for making out the annual road tax list;

No. 80. A bill for the correction of errors in assigning property in Jefferson county;

Were severally read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 83. A bill to authorize plaintiffs to collect the bid of purchasers at sheriff's and constable's sales, and to repeal the 429th section of the 40th chapter of Revised Statutes of 1843;

Was read a third time, and passed.

Mr. Osborn moved to reconsider the vote on the passage of No. 83;

Which was agreed to by the House.

On motion by Mr. Osborn,

The bill was then recommitted to the judiciary committee.

No. 87. A bill abolishing the office of county auditor in the county of Putnam;

No. 91. A bill to amend an act entitled, an act relative to the licensing groceries in the counties of Carroll and Cass, approved January 31, 1842;

Were severally read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 93. A bill to attach additional territory to the county of Ohio, and for other purposes; was,

On motion by Mr. Lanus,

Laid on the table.

No. 94. A bill to amend certain provisions of the revenue laws in Elkhart county;

No. 98. A bill for the relief of purchasers of certain school lands in the counties of Randolph, Scott and Delaware;

Were severally read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 103. A bill relative to the assignment of canal land office certificates;

Was read a third time, when,

On motion by Mr. Pettit,

The following amendment was agreed to by the House, *unanimously* :

"Whenever any certificate of the sale of any canal lands shall have been assigned or will hereafter be assigned by heirs, devisees, or others not parties thereto, by any written assignment thereon, it shall be the duty of the superintendent of the Wabash and Erie canal to take ex parte proof of the inheritance, devise or other title by which the interest derived from the same is alleged to be conveyed, and in such case the holding of such certificate shall be presumptive evidence of title in the holder, and upon satisfactory proof being made and full payment, according to law, it shall be the further duty of such superintendent to direct a patent to be issued thereon."

The bill as amended was then passed.

Ordered, That the Clerk inform the Senate thereof.

No. 105. A bill to amend an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes;

No. 106. A bill to legalize the acknowledgments of certain deeds, mortgages, and other instruments of writing required by the laws of Indiana now in force, to be acknowledged and recorded;

No. 110. A bill to amend section 88, chapter 48, article 4, part 3, Revised Statutes 1843;

Were severally read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 104. A bill to abolish the office of county auditor in the county of Spencer;

Was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Vandever,

The House adjourned until Monday morning next, at 9 o'clock,
A. M.

MONDAY MORNING, DECEMBER 28, 1844.

The House met pursuant to adjournment.

On motion by Mr. Hazelrigg,

The order of business was suspended,

And the House took up

No. 228. A bill to relocate a part of the Indianapolis and Lafayette State road in the county of Boone;

Which was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

PETITIONS PRESENTED.

By Mr. Bradley,

A petition from Richard Ream and others, for a divorce;

Which was referred to the judiciary committee.

By Mr. Heustis,

A petition from E. Tate and others, for relief;

Which was referred to a select committee, consisting of Messrs. Heustis, Lewis of Dearborn, and Whight.

Also, a memorial from sundry citizens of Dearborn county, relative to the annexation of a portion of the territory of said county to the county of Ohio; which,

On motion,

Was laid on the table.

By Mr. Robinson of Decatur,

A petition from Jno. D. Tevis and others, relative to the improvement of the Michigan road;

Which was referred to a select committee consisting of Messrs. Robinson of Decatur, Stapp, Sullivan, Handy, Wright of Switzerland, Boardman, Lanius, Heustis, Lewis of Dearborn, Jamison, and Bruce.

By Mr. Wright of Wayne,

A petition from sundry citizens of Wayne county praying for the passage of a law restricting voters to their own townships;

Which was laid on the table.

By Mr. Tague,

A petition from sundry citizens of Hancock county, praying for the vacation of a certain road therein named;

Which was referred to a select committee consisting of Messrs. Tague, Walker, and McAllister.

By Mr. Helwig,

A petition from sundry citizens of DeKalb county on the subject of a road tax;

Which was referred to a select committee consisting of Messrs. Helwig, Ninmon and Cowen.

By Mr. Ford,

A petition from sundry citizens of the counties of Randolph and Delaware, on the subject of a State road therein named ;

Which was referred to the committee on roads.

Also, a petition from sundry citizens of the same county, relative to a State road therein named ;

Which was referred to the committee on roads.

By Mr. Stophlet,

Two petitions from sundry citizens in Allen county, relative to the location of certain roads therein named ;

Which was referred to a select committee consisting of Messrs. Stophlet, Darrow and Huey.

By Mr. Byers,

A petition from Godfrey Jones and Henry Flood, relative to a certain road therein named ;

Which was referred to a select committee consisting of Messrs. Byers, Rosseau, and McClure of Scott.

By Mr. Grubbs,

A petition from sundry citizens of Henry county, for the incorporation of the "Garrick Institute" of Knightstown, Henry county ;

Which was referred to a select committee consisting of Messrs. Grubbs, Stapp and Garrett.

By Mr. Huey,

A petition from sundry citizens of Adams county, praying for the relief of George French ;

Which was referred to a select committee consisting of Messrs. Huey, Osborn, and Ford.

By Mr. Conner,

A petition relative to the road tax in Tipton county ;

Which was referred to a select committee consisting of Messrs. Conner, Bell, and Vandever.

By Mr. Byers,

A petition from J. Orchard and others, praying for the incorporation of the town of Bloomington ;

Which was referred to the committee on corporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Bell made the following report :

MR. SPEAKER:

The committee on roads, to which was referred the petition of sundry citizens of Wayne county, praying for the vacation of that part of the State road leading from Hagerstown, by way of Franklin to Muncietown, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 261. A bill to vacate a part of a certain State road in the county of Wayne;

Which was read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred the petition of H. E. Talbott and others of Putnam county, asking the Legislature to grant them an act of incorporation, under the name of the "Putnam county Medical Society," have had the subject under consideration, and directed me to report the following bill, and recommend its passage, to-wit:

No. 262. A bill to incorporate the Putnam County Medical Society;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Pettit made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the petition of sundry citizens of the State of Indiana, praying of the Legislature the grant of a charter to a company, for the construction of a turnpike from Lafayette to Indianapolis by way of Lebanon and Throntown, have instructed me to report the accompanying bill for the consideration of the House.

No. 363. A bill to incorporate the Indianapolis and Lafayette turnpike company;

Which was read a first time, and ordered to a second reading.

Mr. Hazeltine made the following report, which was concurred in by the House:

MR. SPEAKER:

The committee on education have had before them, by order of the House, three papers, called petitions, two of them have no other

evidence of being petitions so far as the committee are able to judge, than the fact that there is a number of names signed to the paper; above these signatures, are characters or letters in print, which the committee are unable to read, they not being in the English language, or any other language known to the committee; therefore, if these two papers are petitions, our not knowing what they ask for, we cannot say what should be granted.

The other paper bears all the marks of a petition, with the exception, it has no petitioners; it speaks at length on the subject of having the German language taught in our common schools for the purpose of enabling that very worthy portion of our population to worship their Creator. The committee are of the opinion that that duty can be performed in any language used by our citizens. The same paper urges the necessity of the German language being taught in our common schools, to enable the Germans to understand the principles of our Government, the proceedings of our General Assembly and of our courts of justice. As our legislative and judicial proceedings are kept in the English language, we can do nothing that will better enable our citizens to understand them, than by teaching them that language in which our proceedings are kept, which we believe is taught in all our common schools. The committee have, therefore, directed me to report said papers back to the House, and ask to be discharged from the further consideration of the same.

Leave being granted therefor,

Mr. Stapp presented a communication from T. A. Morris, in relation to J. R. Moreledge's claim;

Which was referred to the committee on canals and internal improvements.

Mr. Blakemore made the following report:

MR. SPEAKER:

The select committee to which was referred sundry petitions of the citizens of Cass, Carroll, Clinton, Boone, and Marion counties, praying the incorporation of the Michigan road company, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 264. A bill to incorporate the Michigan road company;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations.

Mr. Vandever made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Azor Charles and others, praying relief, have had the same under consideration, and directed me to report a bill, and recommend its passage.

No. 265. A bill for the relief of purchasers of saline lands in Orange county;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Rosseau moved to re-consider the vote taken on rejecting bill No. 191;

And the ayes and noes having been demanded by Messrs. Montgomery and Whight,

Those who voted in the affirmative are,

Messrs. Anthony, Byers, Conduit, Darrow, Fry, Garrett, Gregory, Handy, Hauser, Hazelrigg, Herod, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanius, Little, McClure of Scott, Manville, Mooney, Odell, Palmer, Peek, Robinson of Carroll, Rose, Rosseau, Shelby, Shively, Simonson, Snook, Stapp, Sullivan, Turman, Vandever, Wills, Whight, Wilson, Wolf, and Wright of Switzerland—41.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Brown, Bruce, Claypool, Colms, Endicott, Ford, Foresman, Fuller, Grubbs, Hambrick, Hannah, Heustis, Hill, Hinchman, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, McAllister, McGauhey, Miller, Montgomery, Nimmon, Nutter, Osborn, Pomeroy, Rich, Robinson of Decatur, Shanks, Tague, Tingley, Walker, Wright of Wayne, and Mr. Speaker—39.

So the vote was reconsidered.

Mr. Tingley moved a call of the House;

Which was sustained.

The Clerk having proceeded with the call it was found that Mr. Boardman was absent; when,

On motion,

The further call was dispensed with.

The question then recurred on the rejection of the bill;

And the ayes and noes being demanded by Messrs. Montgomery and Fuller;

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Bradley, Bruce, Claypool, Endicott, Foresman, Fry, Fuller, Grubbs, Hambrick, Hazelrigg, Heustis, Hill, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, McAllister, Montgomery, Nutter, Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Tague, Tingley, Walker, and Mr. Speaker—33.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Brecount, Byers, Colms, Conduit, Conner, Darrow, Ford, Garrett, Gregory, Handy, Hannah, Hauser, Helwig, Herod, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Manville, Miller, Mooney, Palmer, Peek, Pettit, Rose, Rosseau, Shanks, Simonson, Snook, Stapp, Sullivan, Turman, Vandever, Wills, Whight, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—51.

So the bill was not rejected.

Mr. Fuller moved to suspend the rules and read the bill a second time now;

Which motion was not sustained;

And the bill was ordered to a second reading.

On leave being granted,

Mr. Leslie introduced,

No. 266. A bill to amend the first article of the 50th section of the Revised Statutes of 1843;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

On leave granted,

Mr. Peek introduced,

No. 267. A bill to change the time of holding the Probate Courts in the county of Martin;

Which was read a first time and ordered to a second reading.

Mr. Hodges made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the counties of Vermillion and Vigo, in relation to a State road from Indiana Furnace to Terre Haute, have had that subject under consideration, and directed me to report the accompanying bill and recommend its passage:

No. 268. A bill to locate a State road in the counties of Vermillion and Vigo;

Which was read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Ford made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the counties of Randolph, Delaware, and Jay, pray-

ing the repeal of the law declaring the Mississinewa a public highway, have had that subject under consideration, and directed me to report the following bill and recommend its passage :

No. 269. A bill to repeal an act declaring the Mississinewa river a public highway ;

Which was read a first time and ordered to a second reading.

RESOLUTIONS.

Mr. Hambrick offered the following resolution :

Resolved, That the judiciary committee be requested to report to the House, at its earliest convenience, what disposition, if any, has been made of the resolution of the House requiring them to report a bill reducing the fees and salaries of many officers of State and county not included, as well as those included, in an act passed at the preceding General Assembly ;

Which was not adopted.

On motion by Mr. Bradley,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill providing for a uniform mode of doing county business in the several counties in this State, and report by bill or otherwise.

On motion by Mr. Conduit,

Resolved, That the Auditor of State be required to report to this House whether the accounts of the late Treasurer of Morgan county have been adjusted, together with any other information that may be in his possession relating to that subject.

JOINT RESOLUTIONS.

Mr. Brecount introduced

No. 270. A joint resolution on the subject of the public lands in the State of Indiana ;

Which was read a first time, and ordered to a second reading.

Mr. Manville introduced

No. 271. A joint resolution on the subject of a turnpike road from Bloomington to Columbus through Brown county ;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Pettit introduced

No. 273. A joint resolution in relation to a law of the State of New York, permitting a draw-back upon salt of her manufacture introduced within this State ;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Mooney introduced

No. 273. A bill to repeal a part of the 163d section of chapter 12,

of the Revised Statutes of 1843, as it respects its operation in Jackson and Scott counties;

Which was read a first and second times, the rules being suspended therefor, when,

On motion by Mr. Hoggatt,

The bill was amended by inserting the county of Lawrence.

On motion by Mr. Manville,

The bill was further amended by inserting the county of Brown.

The bill was then ordered to be engrossed.

Mr. Hodges introduced

No. 274. A bill changing the time of holding courts in the 7th judicial circuit:

Which was read a first and second times, the rules being suspended therefor, and referred to a select committee consisting of the members of the 7th judicial circuit.

Mr. Hoggatt introduced

No. 275. A bill to amend the 7th article of the 13th chapter of the Revised Statutes;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. McGauhey introduced

No. 276. A bill to regulate judicial notices in the county of Daviess;

Which was read a first and second times, the rules being suspended therefor, and referred to the judiciary committee with instructions to make the provisions of the bill general.

Mr. Shelby introduced

No. 277. A bill declaring a road in Tippecanoe county a State road;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson of Carroll introduced

No. 278. A bill relative to guardians and wards;

Which was read a first and second times, and referred to the judiciary committee.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have receded from their amendment to an engrossed bill of the House of Representatives entitled,

No. 78. An act for the relief of Daniel Wise.

The Senate have passed with one amendment, an engrossed bill of the House of Representatives entitled,

No. 13. An act supplemental to an act entitled, "An act to change a State road in Sullivan county;"

In which amendment the concurrence of this House is respectfully requested.

The Senate have passed engrossed bills, without amendment, of the House of Representatives of the following titles:

No. 7. An act to repeal a portion of an act entitled, "An act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike;

No. 25. An act to change the name of James Cowdrey Smith.

The Senate have passed engrossed bills thereof entitled as follows:

No. 102. An act to amend an act entitled, "An act to incorporate the Princeton Library Company;"

No. 110. An act in relation to a State road in Parke and Vermillion counties;

No. 97. An act to declare a certain road therein named a State road;

No. 104. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 112. An act to incorporate the proprietors of Lawrenceburgh cemetery;

In which the concurrence of this House is respectfully requested.

On motion,

The amendment of the Senate to

No. 13. A bill of the House in said message mentioned,
Was concurred in.

Ordered, That the Senate be informed thereof.

No. 102. A bill of the Senate in said message mentioned,
Was read a first time and passed to a second reading on to-morrow.

No. 110 of the Senate in said message mentioned,
Was read three several times, and passed, the rules being suspended therefor.

Ordered, That the Senate be informed thereof.

Nos. 97 and 104 of the Senate, in said message mentioned,
Were severally read a first time, and passed to a second reading on to-morrow.

No. 112 of the Senate, in said message mentioned,
Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill thereof as follows:

No. 87. An act supplemental to an act entitled, "An act relative to the water power at Northport in Noble county," approved January 21, 1843;

In which the concurrence of the House of Representatives is respectfully requested.

No. 87 in said message mentioned,

Was read the first and second times, the rule being suspended therefor, and referred to the committee on canals and internal improvements.

The following message was received from the Senate, by Mr. Otto, their principal secretary:

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, entitled

No. 19. An act to legalize the official acts of the commissioners of the Wabash and Erie canal.

The following message was received from the Senate, by Mr. Otto, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have passed engrossed bill thereof,

No. 143. "A bill for the relief of Millens Loomer;"

And to respectfully ask the concurrence of the House therein.

No. 143 in said message mentioned,

Was read a first and second times, the rule being suspended therefor, and,

On motion,

Was referred to a select committee consisting of Messrs. Anthony, Miller, and Osborn.

Mr. Smith moved to reconsider the vote taken on the engrossment of

No. 47. A bill declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843.

Mr. Robinson of Carroll moved that there be a call of the House;

When it appeared that the absentees were Messrs. Darrow, Hardin, Manville, Rose, Wills, Duzan and Wilson.

Messrs. Duzan and Wilson were excused on account of indisposition.

The absentees having appeared,

Mr. Herod moved to recommit No. 47 to the committee on the judiciary with the following instructions: Insert in the proper place:

"*Provided*, That nothing herein contained, shall be so construed

to effect the decisions and causes now pending in any court in the State of Indiana."

Which motion prevailed.

The Speaker laid before the House a communication from his Excellency, the Governor, with accompanying documents, in relation to the new State Prison.

Which was referred to the committee on the State Prison, and five hundred copies ordered to be printed.

The Speaker laid before the House the following communication from Mr. J. P. Chapman, Public Printer:

HON. A. C. STEVENSON, *Speaker of*
the House of Representatives:

The undersigned would respectfully ask you to lay the following communication before the House over which you preside:

To the Honorable the
House of Representatives:

The undersigned, Public Printer of this State, would respectfully suggest to your honorable body the propriety of appointing a committee to examine the manuscript journals previous to their being sent to him for publication: or to authorize him to correct such palpable errors as he may discover: and also, to inform him to whom he may refer in case of doubt.

This request is founded on the fact that, if he is bound to "follow copy" in printing the journals of the House, they would exhibit such a specimen of incorrectness and blunders as might subject him to censure, judging from the portion already received.

It is from no desire to find fault unnecessarily that the above requests are made, but to enable him to print not only a *correct* journal, but one that shall be no discredit to the House of Representatives.

Very respectfully,

J. P. CHAPMAN,
State Printer.

December 30, 1844.

On motion by Mr. Claypool,

The communication was laid on the table.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, without amendments, engrossed bills of the House of Representatives entitled as follows:

No. 24. An act to amend an act entitled "an act abolishing docket fees, dispensing with final records in certain cases, approved January 28th, 1843."

No. 42. An act to repeal a certain act therein named, so far as it relates to the county of Pike.

The Senate have passed engrossed bills thereof entitled as follows:

No. 51. An act defining the duties of County Treasurers in certain cases.

No. 72. An act to attach additional territory to the county of Ohio, and for other purposes.

No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased.

No. 98. An act to secure to Recorders their fees in certain cases.

No. 101. An act to prevent fraudulent practices in the consignment of produce and merchandize.

No. 105. An act declaratory of the meaning of section 29, chapter 3, article 3, Revised Statutes of 1843.

No. 108. An act to legalize certain school loans in the county of Daviess.

No. 117. An act to authorize the County Commissioners of Floyd county to employ a physician to attend the poor of said county.

No. 120. An act for the relief of Elijah Masters of Daviess county.

No. 122. An act to revive part of an act therein named, in the county of Ripley.

No. 134. An act to amend the act to establish a levee from the town of Vincennes, &c., approved February 2, 1833.

No. 154. An act to amend an act entitled "an act regulating the time of holding courts in the county of Tippecanoe, approved January 15, 1844.

In which I am directed to ask, respectfully, the concurrence of this House.

No. 51 of the Senate, in said message mentioned,

Was read a first time, and passed to a second reading on tomorrow.

No. 72 of the Senate, in said message mentioned,

Was read a first and second times, the rule being suspended therefor; when

Mr. Tingley moved to refer the bill to the committee on elections.

Mr. Lewis of Dearborn moved to amend the motion of Mr. Tingley by instructing said committee to add the following additional section:

Sec. 9. That this act shall not take effect until ratified by a majority of the voters of the counties of Dearborn and Ohio, at the next August election. And it is hereby made the duty of the inspectors and judges of elections in the respective townships in the above named counties, to require the electors, when they vote, to

answer whether or not they are in favor of attaching that part of the county of Dearborn south of Laughery Creek, to the county of Ohio; and they shall order the clerks of said boards of elections, to keep each a fair list of those voting in the affirmative and negative, and the inspector shall return the same to the board of canvassers as all other election returns, and they shall be added up by the clerks of said board. And it is hereby made the duty of said clerks to publish the result of such vote in some public newspaper published in each of the said counties of Dearborn or Ohio, and if it shall appear that a majority of the voters of the two counties are in favor of the attachment of the territory above named to the county of Ohio, it shall be deemed valid to all intents and purposes as though this Legislature had directly attached it by law.

Mr. Tingley moved further to instruct said committee to amend, by adding the following to Mr. Lewis's instructions:

To enquire into the expediency of inserting a section in said bill so that in 1845, the county of Dearborn shall elect two Representatives separately from Ohio, and Ohio one Representative separately from Dearborn, and that Ohio county, for Senatorial purposes, shall be attached to said county of Dearborn as heretofore.

Pending which,

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The question again recurred upon the proposition of Mr. Tingley, to instruct the committee to amend bill of the Senate No. 72, under consideration at the adjournment.

When Mr. Rich called for a division of the question, which was, "Will the House commit?"

Which was decided in the negative.

The House having refused to commit,

Mr. Rich moved to amend the bill by adding the following section:

SEC. —. That in the year eighteen hundred and forty-five, when the counties of Dearborn and Ohio would, according to law, be entitled to three Representatives jointly, that the county of Dearborn shall elect two Representatives separately, and the county of Ohio shall elect one Representative separately, in lieu of three Representatives jointly.

Mr. Wright of Switzerland moved the previous question;

Which was not seconded by the House.

The question recurring on the amendment of Mr. Rich,

The ayes and noes having been demanded by Messrs. Lanius and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Stapp, Stophlet, Sullivan, Tingley, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, and Wright of Switzerland—44.

So said amendment was adopted.

Mr. Heustis moved to lay the bill, as amended, on the table:

And the ayes and noes having been demanded by Messrs. Robinson of Decatur and Wright of Switzerland,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, and Wright of Switzerland—40.

Those who voted in the negative are,

Messrs. Barclay, Bell, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Kerr, Lanius, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Manville, Miller, Nimmon, Nutter, Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Wills, Whight, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—52.

So said motion did not prevail.

On motion by Mr. Lanius,

The rules were suspended, the bill considered as engrossed, and read a third time;

And the question being, shall the bill pass ?

And the ayes and noes having been demanded by Messrs. Lewis of Dearborn and Heustis,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Bradley, Bruce, Byers, Claypool, Colms, Conduit, Conner, Endicott, Foresman, Fry, Garrett, Grubbs, Hambrick, Handy, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Howard, Huey, Jamison, Kerr, Lanius, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Smith, Stophlet, Sullivan, Tingley, Wills, Whight, Wolf, and Wright of Wayne—53.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Cowen, Davis, Duzan, Fuller, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Huckaby, Kelley, Lewis of Dearborn, McAllister, Manville, Mooney, Palmer, Peek, Robinson of Carroll, Shanks, Shively, Simonson, Tague, Vandever, Walker, Wright of Switzerland, and Mr. Speaker—31.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof, and ask the concurrence of the Senate in the amendment of the House.

No. 88 of the Senate, in the last mentioned message,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 98 of the Senate, in said message mentioned,

Was read a first time, and passed to a second reading on to-morrow.

No. 101 and 105 of the Senate, in said message mentioned,

Were severally read the first and second times, the rules being suspended therefor, and referred to the committee on the judiciary.

No. 117, 122, 134, and 154, in said message mentioned,

Were read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 108 and 120 of the Senate, in said message mentioned,

Were severally read a first time, and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill of the House of Representatives, without amendment, entitled, as follows:

No. 11. An act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline fund;

The Senate have passed an engrossed bill of the House of Representatives, entitled as follows:

No. 4. An act relative to the appointment of the board of commissioners of Grant county, to act as board of Library Trustees of said county, and for other purposes;

With two amendments.

In which I am directed to ask respectfully the concurrence of this House.

The Senate have passed engrossed bills thereof of the following titles:

No. 36. An act extending the time of holding circuit courts in the county of Boone;

No. 106. An act prescribing the uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 107. An act to extend an act, entitled, "an act to revive and amend an act, entitled, an act for the relief of settlers on the Wabash and Erie Canal lands," approved February 24, 1840, approved January 15, 1844;

No. 118. An act to incorporate the Elkhart Brass Band;

No. 123. An act to revive in part the first section of the eighth chapter of an act, entitled, "an act incorporating congressional townships, and providing for public schools therein," approved February 17, 1838;

No. 131. An act to provide for the payment of the members and officers of the present General Assembly;

No. 166. An act to incorporate the Lawrenceburgh Seminary of learning, in the county of Dearborn;

In which I have been directed to respectfully ask the concurrence of this House.

On motion by Mr. Tingley,

The amendment of the Senate to bill No. 11 of the House, was concurred in.

Ordered, That the Senate be informed thereof.

No. 36, 106, 107, and 123, of the Senate, in the said message mentioned,

Were severally read the first time, and passed to a second reading on to-morrow.

No. 118 of the Senate, in the said message mentioned,

Was read a first and second times, the rules being suspended therefor, and ordered to a third reading on to-morrow.

No. 131 of the Senate, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

No. 166 of the Senate, in said message mentioned,

Was read three several times, the rule being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Cowen introduced bill,

No. 279. A bill to regulate the mode of doing township business in the county of Elkhart ;

Which was read a first time, and passed to a second reading on to-morrow.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, entitled,

No. 2. An act providing for the loaning of the school funds of Clay and Posey counties ;

The Senate have also passed an engrossed bill thereof, entitled,

No. 136. An act repealing a certain act therein named ;

In which I am directed to ask respectfully the concurrence of this House.

No. 136 of the Senate, in the above message mentioned,

Was read three several times, the rule being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The House then proceeded to the orders of the day.

The question pending last adjournment was on the engrossment of bill of the Senate

No. 39. A bill, of the Senate, to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and for other purposes.

On motion by Mr. Robinson of Carroll,

The bill was laid on the table.

Bill of the Senate

No. 3. A bill supplemental to an act entitled an act for the relief of Nathan Burchfield, approved February 11, 1843 ;

Was read a second time and referred to a select committee consisting of Messrs. Bradley, Stophlet, and Robinson of Carroll.

On motion by Mr. Robinson of Decatur,

The House took from the table bill of the House

No. 61. A bill exempting personal property from execution.

Mr. Robinson of Decatur, moved to amend by inserting after "100," where it occurs in the bill, the words "and twenty-five."

Mr. Smith moved to amend the amendment by adding the following proviso:

“Provided, however, That the provisions of this act, or any other law of this State, shall not extend to any persons except heads of families;”

Which did not prevail.

Mr. Gregory moved to postpone the bill indefinitely;

Which was lost.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, DECEMBER 31, 1844.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By Mr. Hambrick,

Of sundry citizens of Clay and Putnam counties, praying for the location of a road therein named;

Which was referred to a select committee consisting of Messrs. Hambrick, Colms, and Rose.

By Mr. Herod,

A petition from sundry citizens of Bartholomew county, asking for the passage of a law restricting voters to their own townships;

Which was,

On motion by Mr. Herod,

Laid on the table.

By Mr. Rosseau,

A petition from sundry citizens of Greene county, praying that Thomas Carrico may be permitted to erect a dam across Black creek in said county;

Which was referred to a select committee consisting of Messrs. Hodges, McClure of Knox, and McGauhey.

By Mr. Hodges,

A remonstrance from Jacob Watson and others, against the passage of a law permitting a dam to be erected across Black creek;

Which was referred to the select committee to which was referred a petition on the same subject.

By Mr. Hardin,

A petition from sundry citizens of Johnson county, praying that the Auditor's office of said county be abolished; which,

On motion,

Was laid on the table.

By Mr. Shively,

A remonstrance from sundry citizens of Blackford county, against the location of a certain State road therein named;

Which was referred to the committee on roads.

Mr. Bradley presented the claim of John G. Davis of Parke county, for clerk's fees in the case of Nathan Burchfield vs. the State of Indiana;

Which was referred to a select committee consisting of Messrs. Bradley, Stophlet, and Robinson of Carroll,

Mr. Stapp presented a communication from the Clerk and Auditor of Jefferson county, relative to their respective duties;

Which was referred to the judiciary committee.

REPORTS FROM COMMITTEES.

Mr. Herod made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred the communication of T. Coppenet & Co. to the Secretary of State, have had the same under consideration, and have directed me to report that, in the opinion of said committee, legislation on that subject at this time would be inexpedient, and they, therefore, ask to be discharged from the further consideration of the subject;

Which was concurred in by the House.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of Thomas Roper and other citizens of Greene county, praying that the present valuation and appraisement laws of Indiana may remain undisturbed, &c., have considered the same, and instructed me to report legislation thereon inexpedient, as from present indications no material alteration or amendment to the execution laws of this State will be made at this session, and ask to be discharged from the further consideration of the subject matter of said petition.

Which was concurred in by the House.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House No. 81, entitled "a bill to diminish the costs and expenses of defendants in suits at law," together with the amendment thereto,

have had the same under advisement, and instructed me to report the same, with the amendment, back to the House and recommend that the bill, as amended, be passed. They have amended the title as follows: By adding thereto, "and regulating the jurisdiction of Justices of the Peace."

The following is the amendment reported by the committee:

SEC. 4. In all cases contemplated by this act, Justices of the Peace and the Circuit Courts of the proper county, shall have concurrent jurisdiction, and all judgments rendered by any Justice of the Peace under this act, shall be subject to a stay of execution of ninety days, the defendant or defendants procuring some person to enter security on the docket of said Justice, as in other cases.

SEC. 5. It shall be the duty of any Justice of the Peace, when he renders any judgment against any defendant or defendants, for any fine or fines and costs, under this act, to make it a part of said judgment; that the defendant or defendants stand committed until said fine and costs shall be paid or replevied.

SEC. 6. In all prosecutions under this act before a Justice of the Peace, the Justice shall grant continuances, changes of venue, and recognize witnesses in the same way and manner provided for by the law now in force regulating the powers and duties of Justices of the Peace in criminal cases.

SEC. 7. In all cases under this act, when any person shall be imprisoned by any Justice of the Peace, he may discharge himself therefrom in the same way and manner pointed out and provided for in the eighteenth, nineteenth, and twentieth sections of the Revised Law referred to in the last preceding section of this act.

SEC. 8. This act to take effect and be in force from and after its passage.

The House concurred in the above amendment of the committee and refused to concur in the amendment proposed to the title.

On motion by Mr. Robinson of Carroll,

The word "shall" was stricken out of the 1st section of

No. 81. A bill, in the foregoing report mentioned, to diminish the costs and expenses of defendants in suits at law,

And "may" inserted in lieu thereof.

Mr. Sullivan moved to lay the whole matter on the table;

On which motion, Messrs. Vandever and Stophlet called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Bradley, Colms, Conner, Darrow, Foresman, Gregory, Grubbs, Hambrick, Herod, Heustis, Hill, Huckaby, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Leslie, Lewis of Wayne, Little, Miller, Odell, Pomeroy, Shelby, Stapp, Stophlet, Sullivan, Tomlinson, Whight, Wilson, and Wright of Switzerland

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Brecount, Brown, Bruce, Byers, Claypool, Conduit, Cowen, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hinchman, Hodges, Hoggatt, Howard, Huey, Lewis of Dearborn, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nutter, Osborn, Palmer, Parker, Peek, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shively, Simonson, Smith, Snook, Tague, Tingley, Turman, Vandever, Walker, Wills, Wolf, Wright of Wayne, and Mr. Speaker—60.

So the bill and amendments were not laid on the table.

Mr. Whight moved to recommit with the following instructions :

Strike out all that part relating to illegal voting, or attempting to vote.

Mr. Osborn called for a division of the question ; and,

The question then being on re-committing to the judiciary committee,

It was decided in the affirmative.

The question then recurring on the instructions offered by Mr. Whight,

Was decided in the negative.

Mr. Hardin moved to instruct the committee to amend the first section by inserting: The permission by the owner of any horse to run ; or the riding a horse race, along any public highway ;

Which was not adopted.

Mr. Nutter moved to instruct the committee to make two classes of offences in which justices shall have jurisdiction.

The first class to consist of minor offences, in which the justices shall have exclusive jurisdiction ; and in the second, include those of more importance, in which their jurisdiction shall be concurrent with that of the circuit court ;

Which did not prevail.

Mr. McClure of Knox offered the following instructions:

To amend so that when in the opinion of the justice or jury trying the same, the nature of the offence is of so aggravated a nature that twenty dollars would not be a sufficient punishment, the defendant shall be recognized to the next circuit court ;

Which was not adopted.

The Speaker laid before the House the following communication from Horatio J. Harris, Auditor of State :

AUDITOR'S OFFICE, }
 December 31, 1844. }

*To the Hon. Speaker of the
 House of Representatives :*

SIR: The following resolution of the House of Representatives, adopted on the 30th instant, has been received.

Resolved, That the Auditor of State be required to report to this House, whether the accounts of the late treasurer of Morgan county have been adjusted, together with any other information that may be in his possession relative to that subject.

In reply to this resolution I would respectfully state, that the account of the treasurer of Morgan as collector of the revenue of 1843, has *not* yet been adjusted. All the information I can communicate to the House in reference to the matter, is, that the books of this office show a balance due from that office of \$405 88. From the loose manner in which the business of the Auditor's office was done in Morgan, I was induced to believe as I stated in my annual report, that the defalcation was attributable to errors in the duplicate and delinquent list for 1843. Frequent communications have been addressed to the county auditor directing an investigation into the errors supposed to exist; and as frequent assurances have been received that this duty would be discharged by him, at the earliest day possible. As they have not been redeemed, and from present appearances will not be, it will be my duty to proceed to the collection of the balance by process of law. Should no amicable adjustment be made, of which I fear there is but little prospect, the proper steps will be taken to obtain a judicial decision at the next term of the Morgan circuit court.

I am, very respectfully,
 Your obedient servant,
 HORATIO J. HARRIS,
Auditor of State.

Which was, on motion, laid on the table.

The rules being suspended,

Mr. Grubbs introduced,

No. 280. A bill to authorize a special term of the Henry circuit court;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Senate has this day adopted the following resolution :

Resolved, That the Senate will, the House concurring therein, proceed on Wednesday next, at 10 o'clock, A. M., to elect a Secretary of State, to fill the vacancy which will be occasioned by the expiration of the term of service of the present incumbent.

Mr. Blakemore moved to concur, with the following amendment :
Strike out Wednesday next at 10 o'clock, A. M., and insert this day at 2 o'clock, P. M.;

Which did not prevail.

On motion,

The message was then concurred in.

Ordered, That the Senate be informed thereof.

Mr. Sullivan made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House No. 248, entitled, a bill relative to the expense of changing the venue in civil cases, have had the matter under consideration, and directed me to report the same back to the House, and recommend its passage.

No. 248. A bill in above report mentioned, in relation to the expenses of changing the venue in civil cases;

Was read a second time, and ordered to be engrossed.

Mr. Sullivan made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of the House, requesting the committee to enquire into the expediency of so amending the law regulating tolls for grinding at water-mills in this State, north of the national road, have had the matter under consideration, and directed me to report that legislation on that subject is inexpedient, and ask to be discharged, &c.; which,

On motion by Mr. Osborn,

Was referred to a select committee consisting of Messrs. Nimmon, Osborn and Hostetter.

Mr. Osborn made the following report :

MR. SPEAKER:

The committee on the judiciary, to which was referred Senate

bill No. 105, "an act declaratory of the meaning of the 29th section of the third article of the 31st chapter of the Revised Statutes of 1843," have considered that subject, and directed me to report the same back to the House, with the following amendment, and recommend its passage :

The amendment is as follows :

Strike out the second section and insert the following :

SECTION 2. This act shall not be construed so as to affect any case now pending in the Supreme Court of this State, if the same was taken to said court by the debtor.

Mr. Rosseau moved to lay the bill and amendments on the table ;
Which did not prevail.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of the amendment to bill of the Senate No. 105.

The question being,

"Shall the amendment be adopted?"

The ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Bradley, Herod, Heustis, Hinchman, Leslie, Manville, Osborn, Pomeroy, Simonson, Sullivan, Wilson, and Wolf—12.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Grubbs, Hannah, Hardin, Hauser, Helwig, Hill, Hodges, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Lanius, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Miller, Montgomery, Mooney, Nutter, Odell, Palmer, Parker, Peek, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Stapp, Stophlet, Tague, Tingley, Turman, Vandever, Walker, Wills, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—75.

So the amendment was not adopted.

Mr. Hazelrigg moved to strike out the second section of said bill ;
Which did not prevail.

The question was then put,

"Shall the bill pass to a third reading on to-morrow?"

The ayes and noes being demanded by Messrs. Robinson of Carroll and Osborn,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bruce, Claypool, Colms, Foresman; Fry, Fuller, Gregory, Grubbs, Helwig, Heustis, Hinchman, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Manville, Miller, Montgomery, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Bell, Bradley, Brown, Byers, Conduit, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Garrett, Hambrick, Hannah, Hardin, Hauser, Hazelrigg, Herod, Hill, Hodges, Howard, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Mooney, Palmer, Peek, Robinson of Carroll, Rosseau, Shanks, Shively, Tague, Vandever, Walker, Wills, and Whight—40.

So the bill was ordered to a third reading.

Mr. Osborn made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred House bill No. 109, "An act to amend article 4, chapter 45, Revised Statutes 1843," have considered the same, and directed me to report it back to the House without amendment, and respectfully recommend its passage; and ask to be discharged from the further consideration of the subject.

No. 109. A bill mentioned in said report,

Was ordered to be engrossed for a third reading.

Mr. Leslie made the following report:

MR. SPEAKER :

The committee on the judiciary, to which was referred the several petitions of Sarah Shemp, Andrew Applegate and others, relating to the estate of Hezekiah B. Luckett, late of Harrison county, deceased, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 281. A bill for the relief of the heirs of Hezekiah B. Luckett and Sarah Yandel;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Osborn made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred House bill No. 83, with certain instructions, have considered the same, and in pursuance of said instructions, have directed me to report it back to the House with the following amendment, to-wit: After the word "thereof," in the fourth line, insert "shall fail or refuse to pay the purchase money, he shall be liable," and respectfully recommend its passage; and ask to be discharged from the further consideration thereof.

No. 83. A bill to authorize plaintiffs to collect bids of purchasers at sheriff's and constable's sales, and to repeal the 429th section of the 40th chapter of Revised Statutes of 1843.

The amendments of the committee were concurred in, and the bill, as amended, was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Peek made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of the citizens of Martin county, praying for a relocation of the county seat of said county, have had the same under consideration, and have directed me to report the following bill, to-wit:

No. 283. A bill to relocate the county seat of Martin county;
And respectfully recommend the passage of the same.

Bill No. 283 was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill No. 99 of the House of Representatives, entitled "A bill to amend the 15th chapter of the Revised Statutes of 1843," together with instructions to enquire into the expediency of striking out the same from the enacting clause, have directed me to report back said bill without amendment.

The rules being suspended therefor, bill No. 99 was considered engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Huckaby made the following report:

MR. SPEAKER :

The committee on military affairs, to whom was referred a resolution of the House, directing said committee to enquire into the expediency of reporting a bill to this House providing for a re-organization of the militia of this State, have had that subject under consideration, and have directed me to report the accompanying bill for the consideration of the House, and ask to be discharged from the further consideration of the same:

No. 284. A bill to re-organize the militia of Indiana;

Was read the first and second times, the rules being suspended therefor, when

Mr. Fuller moved to amend by striking out the word "magistrate" wherever it occurs;

Which was adopted.

Mr. Whight moved to lay the bill with the amendment on the table;

Which motion did not prevail.

On motion by Mr. Whight,

The bill with the amendment was referred to a select committee consisting of Messrs. Fuller, Whight, Stapp and Gregory.

Mr. Simonson made the following report:

MR. SPEAKER :

The committee on the State Prison, to which was referred a resolution to enquire into the expediency of providing by law for a competency in clothing and money for each prisoner, when discharged from the State Prison, sufficient to sustain such prisoner until he shall have time to engage in some honest employment, have had the same under consideration, and directed me to report that a system for the management, discipline, and government of the State Prison under the exclusive control of the State, is in preparation by his Excellency, the Governor, and will be submitted as soon as information on the subject can be procured from other States, and that said system will contain ample provision for discharged prisoners as suggested in the resolution, the committee have not a doubt; this, together with the fact, that by an act for the regulation of the State Prison, approved February 17th, 1838, the superintendent is required to give each convict who has served out his full time, three dollars upon his discharge from prison, the short period until the expiration of the contract with the present superintendent, and the desire to interfere

as little as possible with the regulations of the prison until that contract expires, and the proposed system submitted, induce the committee to report legislative action at this time unnecessary.

Which was concurred in by the House.

Mr. Leslie made the following report :

MR. SPEAKER :

The committee on claims, to which was referred the petition of John Chrisman and others, citizens of Boone county, praying discretionary power given to the county board in regard to the pay for the services of their county auditor, and also a remonstrance of William Schooley and others, citizens of the same county, against the prayer of the petitioners, have had that subject under consideration, and have directed me to report the following bill :

Bill No. 285. For the relief of the auditor of the county of Boone; Was read a first time; when

Mr. Duzan moved to reject the bill.

The ayes and noes having been demanded by Messrs. Duzan and Whight,

Those who voted in the affirmative are,

Messrs. Conner, Duzan, Endicott, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hoggatt, Howard, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McClure of Scott, Manville, Mooney, Palmer, Rosseau, Simonson, Snook, Tague, Walker, and Wright of Switzerland—26.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Ford, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Montgomery, Nimmon, Nutter, Odell, Osborn, Peek, Pomeroy, Rich, Robinson of Decatur, Shanks, Shelby, Smith, Stapp, Sullivan, Tingley, Vandever, Wills, Whight, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—56.

So the bill was not rejected.

The rules were suspended,

The bill was read the second time; and,

On motion by Mr. Whight,

Was laid on the table.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred the petition of sundry citizens of Randolph and Delaware counties, praying the location of a State road, have had that subject under consideration, and directed me to report the following bill, and recommend its passage :

No. 286. A bill to locate a State road in the counties of Randolph and Delaware ;

Was read the first time, and ordered to a second reading.

Mr. Bell also made the following report :

MR. SPEAKER :

The committee on roads, to whom was referred a resolution of this House, instructing them to report a bill amendatory of the 81st section of the sixteenth chapter of the Revised Statutes, regulating the improvement of, and keeping in repair public highways, have had that matter under consideration, and have directed me to report the following bill, and recommend its passage.

No. 287. A bill to require non-resident free-holders to pay a road tax equal to that of resident citizens ;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, as follows :

No. 3. An act to repeal the Posey county road law.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the original bills of the House, and find the enrollment correctly made.

No. 127. An act defining the mode of electing a Secretary of State ;

No. 280. An act to authorize a special term of the Henry circuit court.

The committee further report, that the foregoing bills were, on this day, (Dec. 31,) presented to his Excellency, the Governor, for his approval and signature.

Mr. Bell made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the petition of sundry citizens of Randolph and Delaware counties, praying the location of a State road, have had the matter under consideration, and find that the route contemplated in said petition, is calculated to prove injurious to private individuals, by running angling through their lands and premises: and also, that there is a bill now before this House, in accordance with a petition presented on the same subject, and for the same road, proposing to run said road on a straight line or lines; the committee therefore recommend that the petition lie on the table, and ask to be discharged from the further consideration thereof.

Which was concurred in by the House.

Mr. Bradley made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill of the House No. 31, a bill for the settlement of work done on the first division of the Wabash and Erie Canal, have had that matter under consideration, and a majority of them have directed me to report the following amendment, viz: strike out the bill from the enacting clause, and insert a new bill herewith reported; and with this amendment, the committee recommend the passage of the bill.

The following is the amendment proposed by the committee:

Strike from the enacting clause and insert the following:

WHEREAS, Under an act of the General Assembly, entitled "an act for the completion of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute, approved January 1st, 1842," Moorehead, Hall & Co., became contractors for the construction of that portion of said canal known as division No. 1; therefore,

Be it enacted by the General Assembly of the State of Indiana, That the Superintendent of said canal, together with the Principal Engineer, are hereby authorized and required, as soon after the passage of this bill as practicable, to make a final settlement, based on a fair and just valuation, with the said Moorehead, Hall & Co., for work done by them on said canal, at the original contract prices.

Also, to settle with them for all the tools, beds, bedding, and cooking utensils, at a fair valuation.

This act to be in force from and after its passage.

Pending which,

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, JANUARY 1, 1845.

The House met pursuant to adjournment.

The following message was received from his Excellency, the Governor, by T. B. Kinder, his Private Secretary:

MR. SPEAKER:

I am authorized by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following act:

No. 127. An act defining the mode of electing a Secretary of State;

Which originated in the House of Representatives.

The Speaker laid before the House a report from M. G. Bright, Agent of State, in answer to a resolution of the House calling for information relative to travelling expenses, Attorney's fees, &c.

Mr. Gregory moved to lay the report on the table and print 500 copies.

Mr. Grubbs moved to amend by striking out 500 and inserting 1,000 copies.

And the question being taken on the highest number, it was decided by the House that the report should lay on the table, and 1,000 copies thereof were ordered to be printed.

The Speaker also laid before the House the following communication from Horatio J. Harris, Auditor of State:

AUDITOR'S OFFICE, }
January 1, 1845. }

*To the Honorable Speaker of
the House of Representatives:*

SIR:—The following communication, drawn up in answer to the
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resolution of the Senate therein set forth, is respectfully submitted as a reply to a similar resolution from the House of Representatives.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

Auditor of State.

AUDITOR'S OFFICE, }
December 23, 1844. }

To the Hon. JESSE D. BRIGHT,

President of the Senate:

SIR:—I have the honor to submit the following reply to a resolution of the Senate, adopted on the 21st inst., and which is in the following words:

“*Resolved*, That the Auditor of State be requested to inform the Senate under what law he assessed a road tax on bank stock; what amount has been collected of the different branches; and to what purpose the amount so collected has been applied.”

By the 15th section of the bank charter, it was provided that in case of an *ad valorem* system of taxation being adopted during the existence of the charter, the individual stock in the bank, which had been fully paid out, should be subjected to the same ratio of taxation as other capital, provided said rate did not exceed one per centum, including the twelve and a half cents on each share, as prescribed in the preceding part of that section.

The 5th section of the act of February 6th, 1841, (chapter 121 general laws,) reads as follows:

“That hereafter the capital stock of the said bank shall be taxable, in addition to the tax of twelve and a half cents on each share, for education, only for State purposes; which tax shall be a per centum in amount each year equal to the amount of the State tax; and to the amount of *county tax* in the county in which the respective branch may be situated for the year, and shall be paid over by the cashier of each branch, to the Treasurer of State, and by such cashier shall be charged to the stockholders and deducted from the dividends; *Provided*, that the whole amount of tax herein provided, with the said education tax, shall not exceed one per cent. on the said capital stock.” By a subsequent section of this act, the said 5th section was made a part of the bank charter, and the stockholders thereby acquired what they would call a *vested right* to the benefit which it conferred. The undersigned cannot agree with them as to the extent of that benefit; and hence their objection to the exercise of the authority which he has claimed to assess a road tax upon the individual stock in the bank. Whether the words “county tax,” as used in the said 5th section, means only

the tax commonly and strictly called a county tax, and so described on the duplicates; or whether they mean *any* tax levied in accordance with the powers vested in the county boards, is a question, in reference to which this office and a few stockholders in the bank, have come to a different conclusion. The latter and more general construction was given them by my predecessor, and, in making payment of the assessment for 1841, was submitted to, without remonstrance, by the officers and stockholders of the bank. And that this construction is a true one, is evident from the fact, that the act of February 15, 1841, (chapter 8, general laws,) passed within nine days after the preceding act, and which provided specifically for the collection of the tax on the individual stock in the bank, uses language wholly inconsistent with the construction contended for by such of the stockholders as have recently made the action of this office a subject for complaint. A comparison of the two laws will show either that the Legislature of 1841 had forgotten what they had done so shortly before, or that they did not mean, at first, what it is now assumed they did. But in addition to this, the act of January 29, 1842, (chapter 63, general laws,) expressly declares "that all stock in any of the branches of the State bank, other than that owned by the State of Indiana, shall be subject to the same ratio of taxation, for State, county, road and other purposes, as other capital, not exceeding one per cent., including the twelve and one half cents set apart as a common school fund." The wording of this law will show that the Legislature of 1842 did not look upon the fifth section of the act of February 6, 1841, even after it had become a part of the bank charter, as giving to the holders of stock in that institution a vested right to an exemption from the burthen of taxation for road purposes, to which the great mass of our citizens were, by law, subjected.

In making the assessments on individual stock in the bank for 1843, in accordance with the 9th article of the 12th chapter of the Revised Statutes, the fact that the late Auditor of State made the road tax in the respective counties, a part of the charge, must have been well understood; and yet payment of that assessment was also made without objection.

Under these circumstances, the undersigned could not but regard the construction to be placed upon the act of February 6, 1841, as well settled; and if he had himself entertained a doubt as to the legality of an assessment for road purposes, he could not safely have assumed the responsibility of changing a construction established by his predecessor, recognised by the Legislature, and acquiesced in by the bank.

The authority, therefore, for the assessment of a road tax on the individual stock in the State bank, for the year 1844, is given by the said act of February 6, 1841, and that part of the 9th article of the 12th chapter of the Revised Statutes which says, that "the Auditor of State shall proceed to assess upon each branch, the amount of taxes due therefrom, according to the laws upon the subject then in force."

In reply to the second branch of the resolution, I would respectfully state, that the act of February 15, 1841, above named, provided for an assessment of fifteen cents on the hundred dollars of stock, in lieu of all county and road taxes. In consequence of the mode of assessment adopted by this law, it cannot be stated what amount was paid into the Treasury as a *road* tax, for the year 1841. For both county *and* road purposes, the payments of that year were as follows:

By the Indianapolis Branch,	-	-	-	-	-	\$115 91
By the Lawrenceburgh Branch,	-	-	-	-	-	86 30
By the Madison Branch,	-	-	-	-	-	154 74
By the New Albany Branch,	-	-	-	-	-	59 38
By the Evansville Branch,	-	-	-	-	-	99 42
By the Bedford Branch,	-	-	-	-	-	59 42
By the Vincennes Branch,	-	-	-	-	-	55 55
By the Terre Haute Branch,	-	-	-	-	-	62 09
By the Lafayette Branch,	-	-	-	-	-	75 63
By the South Bend Branch,	-	-	-	-	-	48 21
By the Michigan City Branch,	-	-	-	-	-	41 03
By the Fort Wayne Branch,	-	-	-	-	-	64 59
By the Richmond Branch,	-	-	-	-	-	77 55
Total for 1841, - - - - -						<u>\$999 82</u>

The act of January 29, 1842, provided for the assessment and collection of the tax on the individual stock in the bank, by the proper county officers in the respective counties. This office is, therefore, in possession of no information as to the amount collected from the different branches for county and road purposes, on account of the assessments made in that year.

The payments into the State Treasury on account of assessments on stock for road purposes, in 1843, were as follows:

By the Indianapolis Branch,	-	-	-	-	-	\$34 55
By the Lawrenceburgh Branch,	-	-	-	-	-	101 12
By the Madison Branch,	-	-	-	-	-	34 35
By the New Albany Branch,	-	-	-	-	-	43 54
By the Evansville Branch,	-	-	-	-	-	22 62
By the Vincennes Branch,	-	-	-	-	-	33 48
By the Terre Haute Branch,	-	-	-	-	-	35 33
By the Lafayette Branch,	-	-	-	-	-	94 03
By the South Bend Branch,	-	-	-	-	-	32 11
By the Michigan City Branch,	-	-	-	-	-	63 00
By the Richmond Branch,	-	-	-	-	-	49 89
Total for 1843, - - - - -						<u>\$544 02</u>

The payments on account of road tax for 1844, have thus far been as follows:

By the Indianapolis Branch,	-	-	-	-	-	\$33 95
By the South Bend Branch, -	-	-	-	-	-	31 06
By the Michigan City Branch,	-	-	-	-	-	63 00
Total,	-	-	-	-	-	<u>\$128 01</u>

In reply to the third branch of the resolution I would state, that no disposition has been made of the county and road taxes paid into the State Treasury, on account of assessments on bank stock. The amount so paid is now in the Treasury, subject to such disposal as the Legislature may see proper to direct.

I am, very respectfully,

Your obedient servant,

HORATIO J. HARRIS,

Auditor of State.

Mr. Blakemore presented the petition of Hyacinth Lasselle, in relation to damages sustained on the Wabash and Erie canal;

Which was referred to the committee on canals and internal improvements.

Mr. Blakemore asked and obtained leave to make the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred the petition of William Sill, in relation to his losses in furnishing timber for the use of the Wabash and Erie canal, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 288. A bill, in above report mentioned, to authorize the Superintendent of the Wabash and Erie canal to settle with William Sill;

Was read a first time and ordered to a second reading.

Mr. Whight, on leave granted, introduced the following resolution:

Resolved, That the Senate be invited to attend *instantly* in the Hall of the House of Representatives, to proceed to the election of a Secretary of State to fill the vacancy to be created by the expiration of the term of service of the present incumbent; and that seats be provided on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate thereof.

Whereupon the Senate came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair—

the President of the Senate on the right of the Speaker—and both Houses jointly proceeded, by ballot, to the election of a Secretary of State; Messrs. Lane and Stanford acting as tellers on the part of the Senate, and Messrs. Hazelrigg and Shanks on the part of the House;

When, on counting the votes cast on the first ballot, it appeared that

Stephen G. Dodge received	-	-	-	-	-	70 votes.
John H. Thompson	"	-	-	-	-	55 "
John Dowling	"	-	-	-	-	4 "
Silas Colegrove	"	-	-	-	-	2 "
S. S. Tipton	"	-	-	-	-	4 "
Mr. Tingle	"	-	-	-	-	1 vote.
Blank	"	-	-	-	-	8 votes.
Scattering	-	-	-	-	-	4 "

No person having received a majority of all the votes given, the convention proceeded to a second balloting;

When, on counting the votes cast, it appeared that

Stephen G. Dodge received	-	-	-	-	-	71 votes.
John H. Thompson	"	-	-	-	-	56 "
John Dowling	"	-	-	-	-	4 "
Silas Colegrove	"	-	-	-	-	2 "
S. S. Tipton	"	-	-	-	-	4 "
Wm. Sheets	"	-	-	-	-	6 "
Scattering	-	-	-	-	-	5 "

No person having received a majority of all the votes given, the convention proceeded to a third balloting;

When it appeared that

Stephen G. Dodge received	-	-	-	-	-	70 votes.
John H. Thompson	"	-	-	-	-	56 "
John Dowling	"	-	-	-	-	5 "
Silas Colegrove	"	-	-	-	-	1 vote.
Wm. Sheets	"	-	-	-	-	2 votes.
S. S. Tipton	"	-	-	-	-	3 "
Scattering	-	-	-	-	-	11 "

No person having received a majority of all the votes given, the convention proceeded to a fourth balloting;

When it appeared that

Stephen G. Dodge received	-	-	-	-	-	71 votes.
John H. Thompson	"	-	-	-	-	54 "
John Dowling	"	-	-	-	-	3 "
Silas Colegrove	"	-	-	-	-	1 vote.

Wm. Sheets received	-	-	-	-	-	-	7 votes.
S. S. Tipton	"	-	-	-	-	-	4 "
Scattering	-	-	-	-	-	-	8 "

No person having yet received a majority of all the votes given, the convention proceeded to a fifth balloting;

When it appeared that

Stephen G. Dodge received	-	-	-	-	-	-	70 votes.
John H. Thompson	"	-	-	-	-	-	55 "
John Dowling	"	-	-	-	-	-	6 "
Silas Colegrove	"	-	-	-	-	-	1 vote.
Wm. Sheets	"	-	-	-	-	-	4 votes.
S. S. Tipton	"	-	-	-	-	-	3 "
Scattering	-	-	-	-	-	-	8 "

No person having received a majority of all the votes given, the President of the Senate declared the convention adjourned until to-morrow morning at 10 o'clock, A. M.

Mr. Robinson of Carroll, moved that the House adjourn until to-morrow morning at 9 o'clock;

When the ayes and noes being called by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Brecount, Conner, Cowen, Darrow, Endicott, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hannah, Hauser, Hoggatt, Hostetter, Howard, Jones of Fountain, Little, Montgomery, Mooney, Osborn, Parker, Pettit, Robinson of Carroll, Rose, Shively, Snook, Stapp, Stophlet, Sullivan, Turman, Vandever, Walker, Wolf, and Mr. Speaker—38.

Those who voted in the negative are,

Messrs. Bell, Bradley, Brown, Bruce, Byers, Claypool, Colms, Conduit, Davis, Duzan, Ford, Foresman, Handy, Hardin, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Huckaby, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Manville, Miller, Nimmon, Nutter, Odell, Palmer, Peek, Pomeroy, Rich, Robinson of Decatur, Shanks, Smith, Tague, Tingley, Tomlinson, Wills, Wilson, Wright of Switzerland, and Wright of Wayne—54.

So the House did not so adjourn.

Mr. Handy moved that the House adjourn until 2 o'clock, P. M., of this day.

On which motion Messrs. Palmer and Handy called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Bradley, Byers, Claypool, Colms, Conduit, Davis, Fry, Fuller, Handy, Hannah, Hazelrigg, Herod, Heustis, Kelly, Kerr, Lanius, Legg, McAllister, McClure of Knox, McGauhey, Miller, Nutter, Osborn, Pomeroy, Rich, Robinson of Decatur, Shanks, Shelby, Stapp, Tingley, Wills, Wilson, Wright of Wayne, and Mr. Speaker—34.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Brecount, Brown, Conner, Cowen, Darrow, Endicott, Ford, Garrett, Gregory, Grubbs, Hambrick, Hardin, Hauser, Helwig, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Jamison, Jones of Fountain, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Odell, Palmer, Parker, Peek, Robinson of Carroll, Rose, Shively, Smith, Snook, Stophlet, Sullivan, Tague, Vandever, Walker, Wolf, and Wright of Switzerland—60.

So the motion was lost.

On motion by Mr. Gregory,
The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, JANUARY 2, 1844.

The House met pursuant to adjournment.

PETITIONS, &C. PRESENTED.

By Mr. Rose,

The petition of Elias Bowling, administrator of the estate of John Graves, late of Clay county, deceased, praying for the passage of an act to authorize him to sell certain real estate ;

Which was referred to a select committee consisting of Messrs. Rose, Whight and Byers.

By Mr. Herod,

A remonstrance from sundry citizens of Bartholomew county, against annexing any portion of said county to a proposed new county ;

Which was laid on the table ;

Also, a petition from sundry citizens of Bartholomew county,

praying for the passage of a law restricting voters to their own townships;

Which was laid on the table.

By Mr. Hardin,

A petition from sundry citizens of Johnson county, praying that the office of county auditor in said county be abolished;

Which was referred to a select committee consisting of Messrs. Hardin, Robinson of Carroll, and Turman.

By Mr. Turman,

A petition from sundry citizens of Sullivan county, praying that the office of county auditor in said county be abolished;

Which was referred to a select committee consisting of Messrs. Hardin, Robinson of Carroll, and Turman.

By Mr. Vandever,

A petition from sundry citizens of Orange county, relative to a State road therein named;

Which was laid on the table.

On leave granted,

Mr. Vandever introduced,

No. 281. A bill to re-locate so much of the Washington and Orleans State road as lies in Orange county;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Conduit presented a petition from sundry citizens of Morgan county, relative to a road therein named;

Which was referred to the committee on roads.

Mr. Tomlinson presented a petition from the county auditor of Delaware county, and other citizens of said county, praying for the passage of a law allowing additional compensation for his services as such auditor;

Which was referred to the committee on ways and means.

Mr. Hambrick presented a petition from sundry justices of the peace in Putnam county, praying for a change in the mode of doing county business in Putnam county;

Which was referred to a select committee consisting of Messrs. Hambrick, Wills and Shanks.

Mr. Snook presented a petition from sundry citizens of Montgomery county, praying for the relief of the securities of the school commissioners of said county;

Which was referred to the committee on claims.

On motion,

Messrs. Snook and Fry were added to said committee.

Mr. Hill presented a petition from sundry citizens in Clinton county, praying for the incorporation of a company for the improvement of the Michigan road;

Which was referred to the committee on corporations.

Mr. Jones of Fountain presented the petition of Robert Wilson

and others, citizens of Fountain county, praying for a charter for a railroad from Attica, on the Wabash and Erie canal, to Crawfordsville, in Montgomery county ;

Which was referred to the committee on corporations.

Mr. Lewis of Dearborn presented a remonstrance from Nathan Harsley and others, against any further division of Dearborn county ;

Which was laid on the table.

Mr. Heustis presented a remonstrance from sundry citizens of Dearborn county, against the addition of any of the territory of said county to the county of Ohio ;

Which was laid on the table.

On leave granted,

Mr. Fuller made the following report :

MR. SPEAKER :

The select committee, to whom was referred a bill of the House, regulating the militia of the State of Indiana, have had that subject under consideration, and have directed me to report said bill back with the following amendments, and respectfully recommend its passage :

No. 284. A bill to re-organize the militia of the State of Indiana ;
Was ordered to be engrossed for a third reading.

Mr. Whight presented a petition from sundry citizens of Pike county ; praying for the relief of certain sureties therein named ;

Which was referred to the committee on education.

On leave granted,

Mr. Robinson of Carroll introduced,

No. 289. A bill to provide for the current expenses of the State for the year 1845 ;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on ways and means.

On leave granted,

Mr. Conner introduced,

No. 290. A bill to legalize the acts of John Hardin, a justice of the peace of Hamilton county ;

Which was read a first, second and third times, the rules being suspended therefor, and passed.

Ordered, That the clerk inform the Senate thereof.

Leave being granted,

Mr. McAllister introduced,

No. 291. A bill for summoning grand and petit jurors for the county of Madison, and fixing their fees ;

Which was read a first and second times, the rules being suspended, and,

On motion by Mr. Tague,

Was amended, by inserting Hancock county.

The rules being further suspended,

The bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Bradley made the following report:

MR. SPEAKER:

The select committee to whom was referred bill of the Senate No. 3. A bill supplemental to an act for the relief of Nathan Burchfield, have had that subject under consideration, and have directed me to report the following amendment:

Strike out all after the title of the bill and insert the bill herewith presented; and with this amendment the committee recommend the passage of the bill:

The following is the bill reported by the committee:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That ——— be and he is hereby authorized and directed to issue his warrant on the Treasurer of State in favor of John G. Davis, Clerk of the Parke Circuit Court, for the sum of one hundred and fifty-eight dollars and six cents, to be paid out of the suspended debt, being the full amount of the costs of suit in the cause determined in said Court at the February term thereof, 1842, between said Nathan Burchfield plaintiff, and the State of Indiana defendant.

SEC. 2. Upon the payment of said sum of money by the Treasurer, the said Clerk shall enter satisfaction thereof upon the proper book of his office and pay the same over to the proper persons entitled thereto, for their fees in said cause.

SEC. 3. This act to take effect and be in force from and after its passage.

The House concurred in the amendment as reported by the committee, and it was ordered to be engrossed.

On leave granted,

Mr. Huey made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Benjamin Brown and others, for the relief of George French of Adams county, have considered that matter, and find that said French now stands indicted in the Adams Circuit Court for erecting a mill dam across the Wabash river in said county; that the bed of the river at the place where said mill dam is erected has never been surveyed and sold, and that said French has been guilty of a technical violation of the 75th section of the 53d chapter of the Revised Statutes of 1843, but that said river is not in fact navigable up to said mill dam,

and that said dam does not in fact obstruct the navigation of said river. Said committee are clearly of the opinion that he is entitled to the relief prayed for, and have directed me to report the following bill for that purpose and recommend its speedy passage; and they ask to be discharged from the further consideration of the same:

No. 305. A bill for the relief of George French of Adams county; Which was read a first, second, and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Hambrick made the following report :

MR. SPEAKER :

The select committee to which was referred the petition of sundry citizens of Putnam and Clay counties, have had that matter under consideration, and directed me to report the following bill and recommend its passage :

No. 292. A bill establishing a State road in the counties of Putnam and Clay ;

Was read a first time and ordered to a second reading.

On leave granted,

Mr. Fuller introduced,

No. 293. A bill for the relief of Warrick county ;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

On leave granted,

Mr. Robinson of Carroll, introduced,

No. 294. A bill relative to road taxes in Carroll county ;

Which was read a first time ; when

Mr. Claypool moved to reject the bill ;

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Claypool, Davis, Gregory, Grubbs, Hambrick, Herod, Huckaby, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Nutter, Shelby, Tomlinson, Whight, Wilson, Wright of Wayne, and Mr. Speaker—26.

Those who voted in the negative are,

Messrs. Bell, Boardman, Byers, Colms, Conduit, Darrow, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hill, Hinchman, Hodges, Hog-

gatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, McAllister, Manville, Matlock, Miller, Montgomery, Nimmon, Odell, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Turman, Vandever, Walker, and Wright of Switzerland—53.

So the bill was not rejected.

The bill was then ordered to a second reading.

The following message was received from his Excellency, the Governor, by T. B. Kinder, his Private Secretary:

MR. SPEAKER:

I am authorized by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following act:

No. 280. An act to authorize a special term of the Henry Circuit Court;

Which originated in the House of Representatives.

The Senate again came into the Hall of the House, and in like manner as before, proceeded to the election of a Secretary of State;

And, on counting the votes on the sixth ballot, it appeared that

John H. Thompson received	-	-	-	-	-	72 votes.
Stephen G. Dodge received	-	-	-	-	-	70 "
George E. Tingle received	-	-	-	-	-	1 vote.
Scattering	-	-	-	-	-	6 votes.

No person having received a majority of all the votes given, the convention, in like manner, proceeded to a seventh ballot;

When it appeared that

John H. Thompson received	-	-	-	-	-	70 votes.
George E. Tingle received	-	-	-	-	-	69 "
Stephen G. Dodge received	-	-	-	-	-	3 "
Scattering	-	-	-	-	-	7 "

No one having received a majority of all the votes given, the convention proceeded to an eighth ballot;

And, on counting the votes, it appeared that

John H. Thompson received,	-	-	-	-	-	74 votes.
George E. Tingle received,	-	-	-	-	-	68 "
Scattering,	-	-	-	-	-	7 "

Neither of the candidates having yet received a majority of all

the votes given, the convention, in like manner, proceeded to a ninth balloting; when it appeared that

John H. Thompson received,	-	-	-	-	-	76 votes.
George E. Tingle received,	-	-	-	-	-	60 "
Scattering,	-	-	-	-	-	13 "

John H. Thompson having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Secretary of State, for the State of Indiana, to serve as such for the term of four years from and after the 14th day of January, 1845.

The President of the Senate adjourned the convention, *sine die*.

The Senate then retired.

Mr. Helwig made the following report, (leave having been granted for that purpose:)

MR. SPEAKER :

The select committee, to whom was referred the petition of Daniel B. Strong and others, citizens of De Kalb county, praying for a road tax in said county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 296. A bill in above report mentioned, authorizing the board of commissioners of De Kalb county to assess a road tax ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nimmon, on leave granted, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill No. 87, of the Senate, entitled, "a bill, supplemental to an act, relative to the water power at Northport, in Noble county, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

No. 87 of the Senate, supplemental to an act, entitled, an act relative to the water power at Northport, in Noble county ; approved January 21st, 1843 ;

Was ordered to a third reading.

Mr. Leslie, on leave granted, made the following report :

MR. SPEAKER :

The committee on claims, to which was referred a resolution re-

lative to the Revised Statutes of 1843, have had that subject under consideration, and directed me to report a bill, and recommend its passage.

No. 295. A bill in relation to the Revised Statutes of 1843, in above report mentioned,

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Pomeroy made the following report, which was concurred in by the House :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the petition of the "Society of Friends" in the county of Wayne, and also the petition of a portion of the liberty party in Jefferson county, have had said petitions under consideration, and respectfully report that while your committee award to said petitioners the right of opinion and action in the matters petitioned for, your committee are confident that a large and overwhelming majority of the people of Indiana, are opposed to a repeal of the laws referred to in said petitions; and therefore report legislation inexpedient, believing the will of the majority should always be consulted. Your committee ask to be discharged from a further consideration of the matters contained in said petitions.

Mr. Jamison made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred the resolution of the House, instructing them to enquire into the expediency of restricting within reasonable bounds, the charges of physicians for their attendance on the sick, and lawyer's fees, have had the same under consideration, and authorized me to report the following bill, and recommend its passage.

No. 297. A bill to protect the people against exorbitant and oppressive charges for medical services;

Which was read a first time and ordered to a second reading.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on education, to whom was referred Senate bill No. 93, entitled, "a bill providing for the distribution of the Saline and Bank Tax funds among the several counties in this State," have directed me to report the same back without amendment.

Bill of the Senate No. 93. A bill providing for the distribution of the Saline and Bank Tax funds, among the several counties in this State;

Which was ordered to a third reading.

Mr. Garrett made the following report:

MR. SPEAKER:

The committee on education, to whom was referred a resolution "requesting an enquiry into the expediency of providing by law for taking a census of all persons blind, deaf and dumb, and lunatic or insane, have had that matter under consideration, and after due consideration thereof, have directed me to report the same back to the House, and recommend that there be no further legislative action on that subject at this time, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Barclay, from the committee on education, made the following report:

MR. SPEAKER:

I am directed by the committee on education, to report to this House the accompanying bill, providing for the education of the indigent blind of the State of Indiana, and ask therefor the favorable consideration of this House.

No. 298. A bill providing for the education of the indigent blind of the State of Indiana;

Which was read a first time, and passed to a second reading.

The House then proceeded to the consideration of the report of the committee on canals and internal improvements on

No. 31. A bill for the settlement and adjustment of work done on division No. 1 of the Wabash and Erie canal.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of bill No. 31.

The question being on the amendment proposed to the bill by the committee,

Mr Bradley moved to recommit to the same committee with the following instructions, to-wit:

To require Mr. Lucas and Mr. Hall to appear before the committee and testify on oath to such matters and questions as may be propounded to them by said committee.

Which motion prevailed.

Mr. Bradley, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the petition of Zera Sutherland, have, according to order, had that subject under consideration, and a majority of them have directed me to make the following report: The committee are of opinion that the prayer of the petitioner ought not to be granted; and they ask to be discharged from the further consideration of that subject.

Messrs. Blakemore and Darrow dissent from the above report.

On motion,

Said report and accompanying documents were referred to a select committee of Messrs. Pettit, Osborn and Hazelrigg.

On motion by Mr. Bruce,

The rules were suspended, and bill of the Senate

No. 20. A bill to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

Was taken up, and read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stapp, from the committee on the State Bank, made the following report:

MR. SPEAKER:

The committee on the State Bank, to which was referred a bill, No. 219, providing for the sale of lands mortgaged to the sinking fund, and forfeited to the State of Indiana, and for other purposes, have had the same under consideration, and have directed me to report the same with an amendment, and ask the concurrence of this House.

Mr. Anthony moved to lay the bill and amendment in said report mentioned, on the table, and that 100 copies of said amendment be printed for the use of this House.

A division of the question being called by Mr. Rich,

The question was first taken,

Shall the bill and amendment lie on the table?

Which was decided in the affirmative.

The question was then taken,

Will the House order the amendment to be printed?

Which was decided in the affirmative.

Mr. Conner, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition from sundry citizens of Tipton county, in relation to the road tax in said county, have directed me to report the following bill, and recommend its passage:

No. 299. A bill to compel speculators to pay a road tax equal to that paid by actual settlers;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Tague, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition from a number of citizens of Hancock county, in relation to vacating a part of a State road leading from Charlottesville to Muncietown, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 300. A bill to vacate a part of a State road therein named;

Which was read the first and second times, the rules being suspended therefor, and,

On motion by Mr. Bell,

Was laid on the table.

Mr. Rose, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred the petition of Elias Bowling, administrator of John Graves, late of Clay county deceased, have had that matter under consideration, and have directed me to report and recommend the passage of the accompanying bill:

No. 301. A bill for the relief of the creditors of John Graves, late of Clay county deceased;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Stophlet, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sun-

dry citizens of Adams county, have had the same under consideration, and directed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. Stophlet, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition in relation to a turnpike road in the county of Allen, have had the same under consideration, and directed me to report, that it is inexpedient at this time to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the House.

Mr. Heustis, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of E. Tate and others, praying relief for Joanna Mahony, have instructed me to report the following bill, and recommend its passage:

No. 302. A bill for the relief of Joanna Mahony;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Handy, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of citizens of Shelby county, praying the passage of a law authorizing the leveeing of Blue river, in said county, have had that matter under consideration, and have directed me to report the following bill, and recommend its passage.

No. 303. A bill to authorize the leveeing of Blue river, in Shelby county;

Was read three several times, the rule being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs, from a select committee, made the following report:

MR. SPEAKER :

The select committee, to which was referred the petition of cer-

tain citizens of Knightstown, praying a charter for the Garrick Institute of that place, have had that subject under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 304. A bill to incorporate the Garrick Institute, of Knightstown, Henry County;

Which was read three several times, the rule being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Lanius moved to suspend the previous order of business, and take up bills on their third reading;

Which motion did not prevail.

Mr. Claypool, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the bill of the Senate, No. 103, to incorporate the Mechanics' Institute at Lafayette, in Tippecanoe county, have examined the bill, and directed me to report the same to the House, and recommend its passage:

No. 103 of the Senate in said report mentioned,

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

RESOLUTIONS OF THE HOUSE.

On motion by Mr. Tingley,

Resolved, That the Superintendent of the Wabash and Erie canal be requested to report to this House, at an early day, how many agents or overseers he has had employed on said canal, during the past year, their names, salary, how long in service, and whether their several duties have been discharged, and whether any extra allowances in any case was made to them; also to report the items composing the *incidental* expenses amounting to \$2,461 67, mentioned in his report of December 24, 1844; also, report whether he or any agent, by his authority or acquiescence sold any canal scrip; if so, what amount, at what rate was the same sold, to whom sold, and under what authority, and what disposition has been made of the avails thereof—if any scrip has been hypothecated; if so, what amount, terms, and under what circumstances the same was transacted.

Mr. Garrett offered for adoption, the following resolution:

Resolved, That this House will, from and after Monday next, meet at half past six o'clock on every other night, and hold night meetings during the remainder of the session, and to act upon local business exclusively;

Which was not adopted.

Mr. Barclay offered for adoption, the following resolution :

Resolved, That the House will, the Senate concurring therein, proceed on Friday, 3rd instant, at 2 o'clock, P. M., to the election of a United States' Senator, to fill the vacancy that will be occasioned by the expiration of the term of service of the Hon. A. S. White, on the 4th of March next.

Mr. Pettit moved to amend said resolution, by adding the following :

"And that if the Senate don't see fit to act upon it, then that this resolution shall be considered as a batch of invitations, extending from day to day through the session."

And the ayes and noes having been demanded thereon, by Messrs. Claypool and Tingley,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Davis, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Lewis of Dearborn, McClure of Scott, Manville, Montgomery, Mooney, Peek, Pettit, Rose, Shively, Simonson, Tague, Turman, Vandever, Walker, and Wright of Switzerland—34.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Darrow, Duzan, Ford, Foreman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shanks, Shelby, Smith, Snook, Stapp, Sullivan, Tingley, Tomlinson, Wills, Whight, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—61.

So the amendment was not adopted.

Mr. Hardin proposed to amend said resolution, by striking out from the resolving clause, and inserting the following :

"That those members whose politics differ with a majority of the people whom they represent, as expressed at the late Presidential election, be excused from voting or participating in the election of a Senator in Congress ; and that when such members ask to be, and are by their respective Houses, so excused from voting, the House will, the Senate concurring therein, proceed on the day succeeding the consummation of such arrangement, at the hour of 2 o'clock, P. M., to the election of a Senator in Congress, according to the law in such case made and provided."

Mr. Hoggatt moved to lay the resolution and proposed amendment on the table ;

And the ayes and noes having been demanded by Messrs. Robinson of Carroll and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Handy, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lanus, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Walker, Whight, and Wright of Switzerland—42.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hannah, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGahey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—56.

So the motion to lay on the table did not prevail.

Mr. Parker moved the previous question.

Mr. Robinson of Carroll moved a call of the House.

Mr. Simonson moved that the House do now adjourn, (it being half past 3 o'clock, P. M. :)

And the ayes and noes having been demanded by Messrs. Robinson of Carroll and Simonson,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Byers, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hauser, Helwig, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Lanus, Montgomery, Mooney, Peek, Pettit, Robinson of Carroll, Rosseau, Shively, Simonson, Snook, Turman, Vandever, Walker, Whight, and Wright of Switzerland—33.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Heustis,

Hill, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Palmer, Parker, Pomeroy, Rich, Robinson of Decatur, Rose, Shelby, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—64.

So the House refused to adjourn.

The question then recurring on Mr. Parker's motion for a call of the previous question,

It was seconded by the House.

The question then being,

Shall the main question be now put?

And the ayes and noes having been demanded by Messrs. Simonson and Vandever,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Huey, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—57.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Byers, Darrow, Duzan, Endicott, Fuller, Handy, Hannah, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Jones of Fountain, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shively, Simonson, Snook, Tague, Turman, Walker, and Whight—35.

So the main question was ordered to be put.

The main question was then put, to-wit:

Shall the resolution be adopted?

And the ayes and noes having been demanded by Messrs. Robinson of Carroll, and Gregory,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of

Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Byers, Cowen, Darrow, Duzan, Endicott, Fuller, Handy, Hannah, Hauser, Heustis, Hill, Hoggatt, Howard, Huey, Kelley, Lanius, Lewis of Dearborn, McAllister, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Rose, Shively, Simonson, Tague, Turman, Whight, and Wright of Switzerland—30.

So the resolution was adopted.

Ordered, That the Clerk report the same to the Senate and ask their concurrence therein.

On motion by Mr. Vandever,

The vote taken on the passage of bill

No. 281. A bill to re-locate so much of the Washington and Orleans State road as lies in Orange county;

Was reconsidered; then,

On motion by Mr. Vandever,

The same was laid on the table.

On motion,

The House adjourned until 9 o'clock to-morrow morning.

FRIDAY MORNING, JANUARY 3, 1845.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By Mr. Palmer,

A petition from sundry citizens of the town of Laurel in Franklin county, praying for the incorporation of said town;

Which was referred to the committee on corporations.

By Mr. Shanks,

Of citizens of Washington county, praying the repeal of the act abolishing the office of Auditor of said county;

Which was referred to a select committee consisting of Messrs. Shanks, Brown, and Wills.

On motion by Mr. Claypool,

The journal of the second instant's proceedings was amended by inserting the time of day at which Mr. Simonson moved to adjourn.

By Mr. Brown,

Of citizens of the counties of Floyd, Harrison, Crawford, Orange, Dubois, and Pike, praying that an act be passed authorizing a toll bridge across Big Blue river at Miltown, or that an appropriation be made, &c.;

Which was referred to a select committee consisting of Messrs. Brown, Colms, and Miller.

By Mr. Herod,

Of citizens of Bartholomew county, praying the repeal of the act prohibiting the taking of more interest, for the use of money, than six per cent.;

Which was referred to the committee on the judiciary.

By Mr. Odell,

Of citizens of Tippecanoe county, praying a change in a certain State road therein named;

Which was referred to a select committee consisting of Messrs. Odell, Foresman, and Shelby.

By Mr. Anthony,

Of citizens of township 33, north of range 5, west, in Porter county, praying the use and occupancy of a certain piece of land for milling purposes;

Which was referred to a select committee consisting of Messrs. Anthony, Osborn, and Barclay.

By Mr. Lewis of Wayne,

Of citizens of Wayne county, praying the passage of a law making restitution in certain cases;

Which was referred to the committee on the judiciary.

By Mr. Brecount,

Of citizens of White county, praying the modification of the law in relation to license on clocks in said county;

Which was,

On motion by Mr. Brecount,

Laid on the table.

By Mr. Sullivan,

Of D. R. Thompson, Orlando Clark, and others, praying the re-charter of the Philaethean Society of Hanover;

Which was referred to a select committee consisting of Messrs. Sullivan, Jones of Fountain, and Hambrick.

By Mr. Tague,

Of citizens of Hancock county, praying the passage of an act re-locating a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Snook,

Of citizens of Montgomery county, praying relief for the securities of Daniel Clark, late school commissioner of said county;

Which was referred to the committee on claims.

By Mr. Brecount,
Of William Price and others, praying that Congress be memorialized to reduce the price of refuse public lands ;

Which was read, and,

On motion,
Laid on the table.

By Mr. Nimmon,
Of citizens of Lagrange county, praying the modification of the law, so that collectors and assessors be appointed or elected in each township in said county ;

Which was,

On motion,
Laid on the table.

By Mr. Ford,
The remonstrance of citizens of the counties of Randolph, Jay and Delaware, against the repeal of the law of last session declaring the *Mississinewa river* a public highway ;

Which was referred to the committee on roads.

By Mr. Tague,
Of Owen Jarret and others, remonstrating against the vacation of a certain road therein named ;

Which was referred to the committee on roads.

By Mr. Cowen,
Of citizens of Elkhart county, praying that the jurisdiction of justices of the peace be co-extensive with the county in civil cases, so far as Elkhart county is concerned ;

Which was referred to the committee on the judiciary.

By Mr. Jones of Fountain,
Of D. C. Kiff and 116 others, citizens of Fountain county, praying for the charter of a railroad company from Attica via Newtown, to Crawfordsville in Montgomery county, Indiana ;

Which was referred to the committee on corporations.

By Mr. Jones of Fountain,
The claim of D. Reynolds for fuel and lights furnished the Adjutant General's office for the year 1844 ;

Which was referred to the committee on claims.

By Mr. Colms,
Of citizens of Whitley county, praying the passage of an act declaring each and every section line a public highway ;

Which was referred to the committee on roads.

Also, of citizens of Kosciusko county, praying the relocation of a certain State road therein named ;

Which was referred to a select committee, of Messrs. Colms, Miller, and Hambrick.

By Mr. Pomeroy,
Of James Read and others, praying the location of a State road in Marshall county ;

Which was referred to the committee on roads.

By Mr. Huey,
Of citizens of Jay and Adams counties, in relation to the amount
of road work required, &c.;

Which was referred to the committee on roads.

By Mr. Cowen,
Of Charles S. Dole and others, praying the review of a certain
State road therein named;

Which was referred to the committee on roads.

Mr. Robinson of Decatur made the following report:

MR. SPEAKER :

The committee on elections, to whom was referred No. 132 of this House, entitled, a bill to preserve the purity of elections, have, according to order, had the same under consideration, and directed me to report the same back to the House with sundry amendments, and recommend its passage; and ask to be discharged from the further consideration thereof.

1st. Strike out of the 5th section all that relates to imprisonment in the county jail.

2d. Strike out of the 6th section all after the word "thereof," in the 2d line, and insert "be fined in any sum not less than five nor more than fifty dollars."

3d. Strike out of the 7th section all after the word "thereof," in the 2d line, and insert, "fined in any sum not less than fifty nor more than three hundred dollars."

4th. Strike out of the 9th section of said bill all after the word "dollars," in the 9th line.

5th. Strike out all the 12th section after the word "thereof," and insert "fined in any sum not less than ten nor more than one hundred dollars."

6th. Strike out of the 21st section all after the word "thereof," in the 4th line, and insert "fined in any sum not less than twenty nor more than one hundred dollars."

7th. Strike out of the 23d section all after the word "thereof," in the 15th line, and insert "fined in any sum not less than twenty nor more than five hundred dollars."

8th. Strike out all the 24th section after the word "punish," in the 2d line, and insert "in all cases contemplated by this act, the court or jury trying such cause, may, in addition to the fine imposed, disfranchise the defendants and render them incapable of holding any office of trust and profit for any term of time not exceeding two years."

Mr. Gregory moved to lay the bill and amendments on the table;
And the ayes and noes having been demanded by Messrs. Whight and Gregory,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Brecount, Brown, Bruce, Claypool, Davis, Endicott, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Hinchman, Hodges, Hostetter, Huckaby, Legg, Leslie, Matlock, Montgomery, Mooney, Nimmon, Pettit, Robinson of Carroll, Shanks, Smith, Tingley, Tomlinson, Turman, Vandever, Wills, and Mr. Speaker—34.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Byers, Colms, Conduit, Conner, Cowen, Duzan, Foresman, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hoggatt, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, Little, McAllister, McClure of Scott, Manville, Miller, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Simonson, Snook, Stapp, Sullivan, Tague, Walker, Whight, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—54.

So they were not laid on the table.

Mr. Stapp moved the following as an amendment to the first amendment proposed by the committee:

“Strike out all after the word “thereof,” in the 3d line, and insert “be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment in the county jail not exceeding ninety days, in the discretion of the court and jury trying the same.”

Which was adopted.

The amendment of the committee, as amended, was then adopted by the House.

Mr. Robinson of Carroll then moved to amend the bill by inserting at the end of the first line of the fifth section, after the word shall, the words “knowingly or wilfully ;”

Which was not adopted.

Mr. Stapp then moved to amend the second amendment proposed by the committee, as follows:

“Strike out after the word thereof in the second line and insert, ‘be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment in the county jail not exceeding six months, at the discretion of the court and jury, trying the same;”

Which was adopted.

The second amendment, proposed by the committee, as amended, was then adopted by the House.

Mr. Blakemore moved to amend the third amendment proposed by the committee, by striking out “fifty” and inserting “ten,” after the words “nor more than ;”

Which was not adopted.

Mr. Brown moved to indefinitely postpone the bill and amendments;

And the ayes and noes having been demanded by Messrs. Brown and Whight,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Brown, Conner, Davis, Duzan, Gregory, Grubbs, Hambrick, Hazelrigg, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Jones of Vigo, Legg, Leslie, Lewis of Wayne, McClure of Knox, Matlock, Mooney, Nimmon, Robinson of Carroll, Shanks, Smith, Tingley, Tomlinson, Vandever, Wills, and Mr. Speaker—31.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Boardman, Bradley, Brecount, Bruce, Byers, Claypool, Colms, Conduit, Cowen, Darrow, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Howard, Huey, Jamison, Kelley, Kerr, Lanius, Lewis of Dearborn, Little, McAllister, McClure of Scott, McGauhey Manville, Miller, Montgomery, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Shively, Simonson, Snook, Stapp, Stophlet, Sullivan, Tague, Turman, Whight, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—66.

So the bill was not indefinitely postponed.

Amendments No. 3, 4, and 5, as proposed by the committee, were then severally adopted by the House.

The House refused to adopt amendments of the committee Nos. 6 and 7.

The 8th amendment of the committee was adopted.

Mr. Vandever offered the following amendment to the bill:

“In order to enable the proper authorities to ascertain any and all illegal votes, and the person or persons who gave such illegal vote or votes, each voter shall endorse his own name as such voter on the back of his ticket before presenting the same to the inspector and judges of such election.”

And the ayes and noes being demanded by Messrs. Robinson of Carroll and Vandever,

Those who voted in the affirmative are,

Messrs. Bell, Davis, Gregory, Grubbs, Helwig, Hoggatt, Leslie, McAllister, Mooney, Rich, Robinson of Carroll, Shanks, and Vandever—13.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Darrow, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Herod, Heustis, Hill, Hinchman, Hodges, Howard, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Lanius, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Robinson of Decatur, Rose, Rosseau, Shelby, Simonson, Smith, Snook, Stapp, Sullivan, Tague, Tingley, Tomlinson, Turman, Whight, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—79.

So the amendment was not adopted.

Mr. Whight offered the following amendment :

“Strike out of the 31st line in the second section the word “does” and insert “transacts ;”

Which was adopted.

Mr. Hazelrigg moved to amend the bill by striking out the enacting clause ;

Which was not adopted.

Mr. Colms moved the previous question ;

Which was not seconded by the House.

Mr. Robinson of Decatur offered the following amendment :

“Strike out all after the word “imprisoned” in the third line of the 20th section, and insert “ in the county jail of the proper county, for any term of time not more than six months, and fined in any sum not exceeding five hundred dollars ;”

Pending which,

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of bill of the House No. 132.

Mr. Whight moved to amend the amendment proposed by Mr. Robinson of Decatur, as follows :

“Strike out all after the word sec. and insert “be fined not less than fifty nor more than 500 dollars, or imprisoned in the penitentiary not more than two years nor less than six months, at the discretion of the court or jury trying said person :”

Which was not adopted.

The question was then taken on the amendment of Mr. Robinson of Decatur ;

Which was adopted.

Mr. Whight moved to amend the 17th section, 4th line, by inserting after the word "sworn," the words "or affirmed," as the case may be.

Mr. Gregory then moved the previous question ;

Which was seconded by the House.

And the main question was ordered to be put.

The question being then put :

"Shall the bill be engrossed for a third reading?"

And the ayes and noes being demanded by Messrs. Gregory and Hazelrigg,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Bruce, Byers, Colms, Conduit, Conner, Cowen, Endicott, Foresman, Fry, Hannah, Hauser, Herod, Heustis, Hill, Hinchman, Hoggatt, Howard, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Lewis of Dearborn, Little, McAllister, McGauhey, Manville, Miller, Odell, Osborn, Palmer, Peek, Pomeroy, Robinson of Decatur, Rose, Shelby, Shively, Simonson, Snook, Stapp, Stophlet, Sullivan, Tague, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—53.

Those who voted in the negative are,

Messrs. Bell, Brecount, Brown, Claypool, Davis, Ford, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Helwig, Hodges, Hostetter, Huckaby, Jones of Fountain, Legg, Leslie, Lewis of Wayne, McClure of Knox, McClure of Scott, Matlock, Montgomery, Mooney, Nimmon, Nutter, Pettit, Robinson of Carroll, Rousseau, Shanks, Smith, Tingley, Tomlinson, Vandeveer, Wilson, and Mr. Speaker—37.

So the bill was ordered to be engrossed.

On motion by Mr. Claypool,

The rules were suspended for the purpose of taking up bill No. 14 of the Senate ;

A bill to legalize certain proceedings therein named ; when

Mr. Palmer moved to recommit said bill with the following instructions :—Insert in its proper place

"*Provided*, That nothing contained in this bill shall impose any obligations upon the State to pay any greater sum when she shall resume said canal, than is contemplated in the charter of incorporation.

Which motion did not prevail.

The bill was then read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Herod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means, to which was referred the resolution of this House upon the subject of extending the time for the payment of certain trust and other funds to the borrowers thereof, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 306. A bill giving to the borrowers of the sinking fund and other funds of the State, further time to make payment ;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Vandever made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred so much of the Governor's message as relates to the public debt, have had that subject under consideration, and have directed me to report in part the following bill, and recommend its passage.

No. 307. A bill in relation to the public debt ;

Which was read the first time, and ordered to a second reading on to-morrow.

Mr. Herod made the following report, which was concurred in.

MR. SPEAKER :

The committee of ways and means, to whom was referred the petition of Joseph Anthony, Auditor of Delaware county, and others, praying that the act of the last Legislature may be repealed or so modified as to afford a reasonable compensation to county auditors in future, and to provide that a fair allowance for services rendered since the passage of said act, have had the subject under consideration, and have directed me to report, that the subject of fees and salaries have been referred to the committee on the judiciary, and that a bill is understood to be now pending in this House on the same subject, upon which action can be had much sooner than upon any bill which your committee might, at this late day, report ; your committee, therefore, ask to be discharged from the further consideration of the said petition.

Mr. Anthony made the following report, which was concurred in by the House :

MR. SPEAKER:

The committee on the judiciary, to which was referred the communication of Jno. M. Bromwell suggesting the propriety of making all election returns to the county auditors, and giving the auditors of their respective counties authority to take acknowledgments of deeds, mortgages, &c., have had that subject under consideration, and have instructed me to report it inexpedient to make election returns to the county auditors, and that a bill has passed this House giving county auditors authority to take acknowledgments of deeds, and to perform the duties of notary public; and ask to be discharged from a further consideration of the subject.

Mr. Anthony also made the following report, which was concurred in by the House:

MR. SPEAKER:

The committee on the judiciary, to whom was referred resolution of the House instructing said committee to enquire into the expediency of reporting a bill providing for a more uniform mode of doing county business in the several counties of this State by the commissioners, have had the same under consideration, and directed me to report, that they deem it inexpedient to legislate on the subject, as the law is now uniform with the exception of a few counties which are, and wish to remain, exceptions; and ask to be discharged from a further consideration thereof.

Mr. Pettit made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the bill of the Senate "to prevent fraudulent practices in the consignment of produce and merchandize," have had the same under consideration, and instructed me to report the same back to the House with various amendments, and recommend its passage.

Senate bill

No. 101. A bill to prevent fraudulent practices in the consignment of produce and merchandize.

The following are the amendments proposed by the committee:

1st section, 5th line, strike out the word "negotiable," and after the word "security" insert "or other valuable consideration," and in the 12th line strike out the word "negotiable," and after the word "security" insert "or other valuable consideration."

2d section, after the word "security," both in the 4th and 5th lines, insert "or other valuable consideration."

3d section, 14th line, after the word "writing," insert "or other valuable consideration."

7th section, 4th line, after the word "instrument," insert "or other valuable consideration."

9th section, 11th line, after the words "or shall" insert "falsely and fraudulently."

11th section, 4th line, after the word "shall" strike out the word "give," and insert "falsely and fraudulently issue or deliver, or cause to be issued or delivered."

11th section, 12th line, after the word "aforesaid" strike out "both he and the person accepting," and insert "he or any person falsely and fraudulently accepting."

Also, section 12, all canals within this State shall be taken and considered to be "waters within this State" in the meaning of this statute.

The several amendments of the committee were adopted by the House, and ordered to be engrossed for a third reading.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on education have directed me to report the following resolution, and to ask the concurrence of the House therein:

Resolved, That the committee of ways and means be instructed to report an assessment of one mill on every hundred dollars of the taxable property of this State liable to taxation for State purposes, for aiding the education of the indigent blind of this State, under such provisions of law as may be enacted.

The resolution reported by the committee was adopted.

Mr. Jones of Fountain made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred the petition of John Yount and Philip Weaver, citizens of Fountain county, praying for the privilege to turn water from a mill race into the Wabash and Erie canal, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 308. A bill for the benefit of John Yount and Philip Weaver; Was read a first time and ordered to a second reading.

Mr. Bradley made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was

recommitted bill of the House No. 31, "A bill for the final settlement of work done on division No. 1, by Moorhead, Hall & Co., have had that subject under consideration, and feel gratified in being enabled to report, that the parties have settled the difficulty themselves, and at their request, we report the bill back, and ask that it lay on the table; and ask to be discharged from any further consideration on the subject.

The above report was concurred in, and bill No. 31 was laid on the table.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the Senate No. 126, "to incorporate the Crawfordsville and Wabash Railroad Company," have examined the bill carefully, and directed me to report it to the House, and recommend its passage:

No. 126 of the Senate, in the above report mentioned, being on its second reading,

Mr. Hazelrigg moved to amend by striking out the enacting clause; Which did not prevail.

Mr. Hazelrigg moved to strike out the 23d section; Which did not prevail.

Mr. Odell moved to recommit the bill to a select committee.

Mr. Rich moved to amend the motion of Mr. Odell by adding "with the following instructions," to-wit:

That if they find for the bill they shall so amend it as that the State shall be remunerated in some wise, either in stock or otherwise, for the seventy-six thousand dollars which she has expended in the construction of the Turnpike proposed to be given to the use and occupancy of said company;

Which motion, to re-commit with said instructions, did not prevail.

Mr. Hoggatt moved to amend said bill by inserting in its proper place,

"So as to secure to the State of Indiana the payment of sixty-five thousand dollars, either in stock in said road or State bonds at their par value, or \$100,000 nominal value."

Mr. Snook moved the previous question; Which was seconded by the House.

The question being,

Shall the main question be now put?

Which was decided in the affirmative.

The main question was then put, to-wit:

Shall the bill be engrossed for a third reading on to-morrow?

And the ayes and noes having been demanded by Messrs. Shelby and Odell,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Brecount, Claypool, Colms, Conner, Duzan, Endicott, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hauser, Helwig, Hinchman, Hodges, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Miller, Montgomery, Mooney, Osborn, Parker, Pettit, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Vandever, Whight, Wright of Wayne, and Mr. Speaker—58.

Those who voted in the negative are,

Messrs. Brown, Byers, Conduit, Davis, Ford, Foresman, Hardin, Hazelrigg, Herod, Heustis, Hill, Hoggatt, Huckaby, Kelley, Lanius, Legg, Leslie, Lewis of Wayne, Manville, Matlock, Nimmon, Nutter, Odell, Palmer, Rich, Shanks, Shelby, Shively, Simonson, Smith, Tague, Wills, Wilson, Wolf, and Wright of Switzerland—35.

So said bill was ordered to be engrossed.

The Speaker laid before the House a communication from his Excellency, the Governor, with accompanying documents from our bondholders, in relation to the public debt of the State.

Mr. Hoggatt moved to lay the communication and accompanying documents on the table, and print one hundred copies;

Which did not prevail.

Mr. Whight moved to lay said communication and documents on the table;

Which motion prevailed.

Mr. Smith moved to reconsider the vote just taken on laying on the table.

On which motion Messrs. Rich and Smith demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Bruce, Byers, Claypool, Colms, Conner, Davis, Duzan, Ford, Foresman, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Heustis, Hill, Hinchman, Hodges, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Mooney, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pome-

roy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—65.

Those who voted in the negative are,

Messrs. Brown, Cowen, Endicott, Fry, Fuller, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Hoggatt, Howard, Kelly, Kerr, Lewis of Dearborn, McAllister, McClure of Scott, Montgomery, Nimmon, Robinson of Carroll, Shanks, Shively, Simonson, Tague, Vandever, and Whight—27.

So the vote was reconsidered.

The question then recurred on the motion to lay on the table.

And the ayes and noes having been demanded by Messrs. Handy and Whight,

Those who voted in the affirmative are,

Messrs. Byers, Duzan, Handy, Hannah, Hardin, Hauser, Heustis, Hoggatt, Howard, Kelly, Lanius, Lewis of Dearborn, Manville, Nimmon, Palmer, Shively, Snook, Tague, Vandever, and Whight—20.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conduit, Conner, Davis, Endicott, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hill, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Matlock, Miller, Montgomery, Mooney, Nutter, Osborn, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rosseau, Shanks, Shelby, Simonson, Smith, Stapp, Sullivan, Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—69.

So the motion to lay on the table did not prevail.

Mr. Simonson moved to reconsider the vote taken by which the House refused to lay said communication and documents on the table and print "100" copies;

Which prevailed.

The question again recurred,

Shall said communication, &c., be laid on the table and printed?

Which was decided in the negative.

Mr. Hoggatt moved that the House do now adjourn;

Which was not agreed to.

Mr. Handy moved to refer said communication, &c., to the committee of ways and means;

And the ayes and noes having been demanded by Messrs. Handy and Whight,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Davis, Duzan, Endicott, Ford, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hostetter, Howard, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shively, Simonson, Snook, Turman, Vandever, Wills, Whight, and Wright of Switzerland—40.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hoggatt, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—55.

So said motion was decided in the negative; then,

On motion by Mr. Leslie,

The said communication was referred to a select committee consisting of Messrs. Robinson of Carroll, Simonson, and Jones of Fountain, and "500" ordered to be printed for the use of this House.

The Speaker laid before the House the following communication from his Excellency, the Governor :

To the General Assembly :

In accordance with the request contained in the enclosed memorial of the New York Historical Society, requesting the privilege of having a copy of all documents which may be published by order of the Legislature, and also of any documents heretofore published of which there may remain any disposable copies, the same is communicated for such action thereon, as the Legislature may deem expedient.

JAS. WHITCOMB.

JANUARY 3, 1845.

The said communication and accompanying documents were referred to the committee on education.

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

SATURDAY MORNING, JANUARY 4, 1845.

The House met pursuant to adjournment.

The Speaker laid before the House the following report from the Superintendent of the Wabash and Erie canal, in answer to a resolution of the House, relative to incidental expenses, the number of agents, overseers, &c., in his employ.

INDIANAPOLIS, *January 3, 1845.*

HON. A. C. STEVENSON, *Speaker of
the House of Representatives:*

SIR: I have the honor to acknowledge the receipt of the following resolution, adopted by the honorable body over which you preside, to-wit:

HALL OF THE HOUSE OF REPRESENTATIVES, }
January 2, 1845. }

On motion by Mr. Tingley,

Resolved, That the Superintendent of the Wabash and Erie canal be requested to report to this House, at an early day, how many agents or overseers he has had employed on said canal during the past year, their names, how long in service, salary, duty; and whether their several duties have been discharged, and whether any extra allowances in the case was made to them; also, to report the items composing the "*incidental expenses*" amounting to \$2,641 67 mentioned in his report of December 24th, 1844; also, report whether he, or any agent, by his authority or acquiescence, sold any canal scrip; if so, what amount, at what rate the same was sold, to whom sold, and under what authority, and what disposition has been made of the avails thereof, if any scrip has been hypothecated; if so, what amount, the terms, and under what circumstances the same was transacted.

JNO. H. FARQUHAR, *Clerk.*

From which I can only infer from the tenor of the resolution, that the answers should be confined entirely to that portion east of Lafayette, although it is not specifically stated; hence I proceed, respectfully, to give the desired information in as clear and succinct a manner, so far as I have the materials at hand, or that my recollection serves me.

The first enquiry, "how many agents, or overseers, he has had employed on said canal, during the past year, their names, how long in service, salary, duty; and whether their several duties has

“ [have] ” been discharged, and whether any extra allowances in the case was made to them.” The laws in force regulating the canal, designates the several officers that are required for the management of the canal, and other departments pertaining thereto. The office of “ agent ” is only known in one place, and that is in the late Revised Statute on the subject of bringing lands into market, that have been granted to the State by the General Government, to aid in the construction of the canal, which requires the General Superintendent to classify the lands by personal inspection or by “ agents.”

During the past season, there was confirmed to the State of Indiana by the President of the United States for the use of the canal east of Lafayette, 24,219.76 acres of land. In pursuance of the statute in that case, his Excellency, the Governor, ordered the lands thus confirmed, to be offered for sale at the land-office, at Peru, on the Monday, the 28th of October, 1844. As the land had been selected in various portions of the State, I found it inexpedient for me to give my personal attention to the classing of all of it. Hence I employed Perrin Kent, who had been in that service for the land-office at Delphi for the last three years, and Stearnes Fisher, Esq., late commissioner of the Wabash and Erie canal, as agents to class and take a note of the improvements on the lands. I employed them as such agents, for the reason, that I could place the utmost confidence in what they did. One of them was afterwards employed to cry the land sale, and the other as an extra clerk during the sale, and for six or eight days after the sale closed, I cannot state the precise time they were in the service—some forty or fifty days, at \$5 00 per day in scrip or “ *White Dog*,” equal to about \$3 00 in current money at the time. They performed “ their several duties ” to my entire satisfaction, and no extra allowances was made. They complained and thought they were very much restricted to what others had been for like services.

Lewis H. Bonnel, Esq. was employed at different times in going and returning from the land and collector’s office to Indianapolis, for the purpose of carrying the scrip that was collected for tolls and lands to the Treasurer of State, and at the same time taking the blank *Dog* or scrip to the land office. The precise time he was employed, I am unable from recollection to state : he was not, however, longer in the service, than was necessary to perform the duties required. For so responsible a duty, and that too performed in so creditable a manner both to himself and the State, I paid him the sum of \$5 00 per day in scrip, and paid his horse hire or stage fare in addition. “ Overseers,” I have none by that particular title or cognomen in my employ.

I will here remark, that the legislature in 1842, passed an act, suspending or abolishing all the internal improvements in the State, the Wabash and Erie canal excepted ; and for the management of that particular portion of it, a commissioner was to be elected, and he to appoint as many officers as were absolutely necessary, who were to

be styled and known as general superintendents of repairs. These superintendents of repairs are required to give bond with security, for the faithful performance of their several duties as such. They, by virtue of their office, become the disbursing officers for all work done on or about the canal as repairs. The land office is the place where all the scrip is filled up and paid to the several superintendents of repairs, and their receipts taken as evidence of that fact. They pay it out for work done and materials furnished under their particular direction. They are forbidden by law to make a second draw, without first filing in the land office the amount in receipts for labor performed, or materials furnished. The Bosses or State boat captains are under their immediate control; subject to their removal at any moment when they are found not subservient to the public good.

There are on that part of the canal, three regular assistants or superintendents of repairs—O. Bird, S. Holman, and Chauncy Carter, Esqrs., at a salary of \$500 00 per annum, in what is called *White Dog* or canal scrip. The two former were the assistants under my predecessor, Mr. Fisher. They enjoyed his confidence as being competent and correct men, and well qualified for the station—both practical engineers who have heretofore while in the regular service, and do at this time, among those whom they are known as such, sustain a high reputation. Mr. Carter has been added to the number of the assistants. And during the great floods last summer, Mr. Johnson of Lafayette, who was formerly in the service as an engineer, was employed as an assistant—the precise time he served I do not recollect. I have found them all faithful officers, and fully competent for cases of the greatest emergency.

William Hubbell, Esq., of Logansport, has been during the last fall, from about the commencement of the land sale, employed as an assistant clerk, or rather extra clerk, in the land-office, and his services continued up to about the 15th of December last. He was a faithful and competent officer. I have in the service four collectors of tolls, M. Peterson, W. Hubble, J. Barlow, and R. P. Jones, at a salary of \$400 00 per annum, in what is called *White Dog*, all faithful officers, and have discharged their several duties alike creditable to themselves and the State. And last of all, John M. Wilt, Esq. clerk of the land-office, at a salary fixed by law at \$600 00 per annum. Mr. Wilt has long enjoyed the entire confidence of all the preceding commissioners of the canal—in short, he has had almost the entire control of the land-office for a number of years past.

“Also, to report the items composing the incidental expenses amounting to \$2,641 67, mentioned in his report of December 24th, 1844.”

The following are the items as near as can be arrived at at this time, to-wit:

Amount paid A. Cole, (postage,) - - - - -	\$1 49
Amount paid John Joquil, (not known,) - - - - -	1 43
Amount paid E. F. Lucas, (one quarter's salary,) - - - - -	125 00
Amount paid J. M. Wilt, (one half year's salary,) - - - - -	300 00
Amount paid J. M. Wilt, (stationery,) - - - - -	3 87
Amount paid W. Hubbell, (collector,) - - - - -	150 00
Amount paid A. Cole, (postage,) - - - - -	3 17
Amount paid L. H. Bonnell, (services,) - - - - -	45 00
Amount paid John Rosser, (stationery for collectors,) - - - - -	25 00
Amount paid E. F. Lucas, (one quarter's salary,) - - - - -	125 00
Amount paid John M. Wilt, (one quarter's salary,) - - - - -	150 00
Amount paid A. Cole, (postage,) - - - - -	3 14
Amount paid William Kent, (going to Indianapolis,) - - - - -	18 00
Amount paid W. Hubbell, (collector's salary,) - - - - -	100 00
Amount paid D. Douglass, (printing,) - - - - -	10 00
Amount paid L. H. Bonnell, (two or three trips to Indianapolis,) - - - - -	147 31
Amount paid Alfred Kiser, (office rent,) - - - - -	13 84
Amount paid J. Barlow, (collector's salary,) - - - - -	150 00
Amount paid J. B. Scott, (advertising land sale,) - - - - -	40 00
Amount paid C. Donovan, (advertising land sale,) - - - - -	25 00
Amount paid R. P. Jones, (six months salary as collector,) - - - - -	300 00
Amount paid R. C. Green, (printing,) - - - - -	10 00
Amount paid A. P. Webster, (stationery,) - - - - -	6 66
Amount paid James Coleman, (advertising land sale,) - - - - -	45 00
Amount paid R. A. Chandler, (postage,) - - - - -	5 26
Amount paid E. F. Lucas, (three months' salary,) - - - - -	125 00
Amount paid John M. Wilt, (three months' salary,) - - - - -	150 00
Total amount, - - - - -	<u>\$2,641 67</u>

"Also, report whether he, or any agent by his authority or acquiescence, sold any canal scrip; if so, what amount, at what rate the same was sold, to whom sold, and under what authority, and what disposition has been made with the avails thereof. If any scrip has been hypothecated—if so, what amounts, the terms, and under what circumstances the same was transacted."

In another portion of this communication I have said that I had but two agents employed. In reply to their having sold any canal scrip "either by my authority or acquiescence," I can say I know nothing respecting their transactions in that line. It is possible, and I think more than likely, they disposed of their own, but not as my "agents," or by my "authority or acquiescence," nor do I know what amount they sold, if any, nor to whom sold, nor for what price; in fact I had no right to inquire into their private business.

The resolution appears to be so drafted as to cover all my private transactions in the way of scrip. I therefore feel bound, from a

sense of propriety, resting as I do, under the high obligation of an officer, and with a respectful consideration towards the honorable body from which the resolution emanated, seems to require at my hands, however so unintentional it may have been on the part of the mover, or however so uninteresting it may be to that honorable body, or the country at large, I feel myself called, and that too in such a manner that I am bound, but I hope in a respectful manner, to disclose a portion of my private business. To that end, I will thus speak:

Prior to my coming to this place I drew three quarters of my salary, \$375; of that amount I have sold, since I came to Indianapolis, to Col. A. W. Morris, \$200, for the sum of sixty cents to the dollar; to Mr. Young I think \$23 at the same rate. Before I came here I disposed of a small quantity at about the same price, to different persons, the names not recollected.

“Under what authority, and what disposition has been made with the avails thereof.”

Of the last inquiry I hope the House of Representatives will excuse me in answering—a matter that could not in the least interest them, and one too, that, I am inclined to believe, will not be insisted on.

There is one other sale I made, which is proper here to state. I disposed of \$15 to John Shields of Peru, at sixty-five cents to the dollar. That was done for the purpose of paying the stage fare for a person to go from the land office to Indianapolis and carry the blank scrip. This was done for the reason that the fare could be paid with none but current money. There have been many transactions, as I am informed, by the assistants, where the price of an article is agreed upon in current funds, and the purchase made in scrip at certain amount to the dollar. That is a very common transaction. Some few, however, I am informed, furnish articles or materials to the State and then refuse to take the scrip in payment, requiring current money. In all such cases, and especially in the vicinity of the canal, I have ordered that all such claims remain unpaid until the creditors feel disposed to take the currency as others do, or the common selling price. For it is so notoriously known throughout the whole country through which the canal passes, the kind of currency that is used for its construction and repairs, that I, for one, am not disposed to gratify the peculiar whims of some few individuals who are disposed to feign ignorance in a matter of that kind; and when they want the scrip converted into current funds, those to whom it is coming may do so at the best price that can be had for it, as in the part of the country in which the scrip is used, there are persons who are in nowise connected with the canal, that follow the business for a living, and many of them expect, if they have not already made, their eternal fortunes at it. Of all this, however, I have not the least “agency” further than I am bound to “acquiesce” in what others are disposed to do in and about their own individual business, without the power, or even the wish, to control them.

What I have said of and concerning the east end of the canal, can be applied with equal force and justice to the western end of it.

"If any scrip has been hypothecated—if so, what amounts, the terms, and under what circumstances the same was transacted."

To this last inquiry I deem not essential that I go into any argument about the matter. I have not "*hypothecated*" any scrip, neither as an officer nor an individual, nor do I know of any being done so. My information leads me to believe that the days of "*hypothecation*," so far as the State is concerned, or any of its officers, are gone by, and should so remain.

I will remark, in conclusion, that the mode of disbursing the funds on the eastern end of the canal, has not been changed. The same books, the same form of receipts, the same hand that receives and pays out the money has done it for the last five or six years last past, and that individual is John M. Wilt; to those who know him I need say nothing about him here.

I remain, very respectfully,

E. F. LUCAS,

General Superintendent Wabash and Erie Canal.

Mr. Tingley moved to refer the resolution and answer back to said Superintendent of the Wabash and Erie Canal, with instructions that he be called upon to give the information sought for in the resolution.

Mr. Bradley moved to amend said motion as follows, to-wit:

Resolved, That the answer of the Superintendent of the Wabash and Erie canal, in relation to certain interrogatories propounded to him by a resolution of this House, be returned to him, and that he be requested to give to this House a full and distinct statement in relation to the number of State agents and their salaries, and to give a full statement in relation to all the persons employed to carry on that portion of the canal abandoned by Moorhead, Hall & Co., and to state whether there has been an advance paid to any contractor on said canal above the original contract.

Mr. Gregory moved to refer the communication to a select committee.

Mr. Stophlet moved to amend the motion as follows, to-wit:

Resolved, That a select committee be appointed, to whom shall be referred, as well the resolution of this House propounding certain interrogatories and enquiries to the State agent of the Wabash and Erie canal, as the said agent's answer thereto, with power to send for persons and papers.

Mr. Smith moved to lay the whole subject on the table;

And the ayes and noes being demanded by Messrs. Robinson of Carroll, and Huckaby,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Blakemore, Brecount, Brown, Byers,

Colms, Conner, Cowen, Darrow, Davis, Duzan, Endicott, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Tague, Turman, Vandever, Wills, Whight, and Wright of Switzerland—58.

Those who voted in the negative are,

Messrs. Barclay, Bradley, Bruce, Claypool, Ford, Foresman, Fry, Grubbs, Hambrick, Hazelrigg, Hinchman, Huckaby, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nutter, Odell, Osborn, Parker, Rich, Robinson of Decatur, Rosseau, Shelby, Stophlet, Tingley, Tomlinson, Wolf, and Wright of Wayne—35.

So the whole subject was laid on the table.

Mr. Robinson of Carroll moved that five hundred copies of the superintendent's report be printed ;

And the ayes and noes having been demanded by Messrs. Huckaby and ———,

Those who voted in the affirmative are,

Messrs. Darrow, Duzan, Endicott, Foresman, Gregory, Handy, Hannah, Helwig, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Lewis of Wayne, McClure of Scott, Manville, Mooney, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Simonson, Snook, Turman, Vandever, and Wright of Switzerland—28.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Davis, Ford, Fry, Fuller, Garrett, Grubbs, Hambrick, Hardin, Hauser, Hazelrigg, Herod, Heustis, Hinchman, Hostetter, Huckaby, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Dearborn, Little, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Montgomery, Nimmon, Odell, Osborn, Palmer, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Shively, Smith, Stapp, Stophlet, Tague, Tingley, Tomlinson, Wills, Whight, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—67.

So Mr. Robinson's motion did not prevail.

The Speaker laid before the House the following communication from his Excellency, the Governor:

To the House of Representatives :

In compliance with a resolution of the House requesting me to inform that body whether any propositions have been made, and if any, of what nature, relative to the more permanent establishment of the asylum for the deaf and dumb of this State, as provided for in the 16th section of an act approved January 15, 1844, I have the honor to state, that no such propositions have been received, other than those from sundry citizens of Monroe county, and the order of the board of commissioners of that county, on the condition that their wishes are acceded to by locating the asylum at Bloomington, which have been heretofore communicated to the House during the present session, and with the exception, also, of the plan or proposition contained in the report of the board of trustees of the asylum also communicated to the House, should the latter be regarded as falling within the meaning of the resolution.

With great respect,

JAS. WHITCOMB.

January 4, 1845.

Which,

On motion,

Was referred to the committee on education.

On leave granted,

Mr. Blakemore introduced

No. 309. A bill to legalize the publication of the lands returned and remaining delinquent, and the sale thereof for taxes due thereon in the county of Cass, for the years eighteen hundred and forty-one, forty-two and forty-three;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Jamison moved to suspend the rules for the purpose of introducing a bill;

Which did not prevail.

Mr. Simonson asked to be excused from serving on a select committee to which had been referred a communication from the Governor;

Which was not agreed to by the House.

On motion by Mr. Vandever,

The order of business was suspended and the House took up bills on their third reading.

No. 59. A bill authorizing the State Treasurer to receive certain treasury notes, and for other purposes;

No. 109. A bill to amend article 4, chapter 45, Revised Statutes 1843;

No. 115. A bill to repeal an act entitled, an act providing for the opening and repairing roads, and highways, and streams in the

counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 130. A bill to repeal an act authorizing the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county;

Was read a third time, and,

On motion by Mr. Fuller,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Robinson of Carroll,

A call of the House was ordered;

When Messrs. Conner, Fuller, Foresman, Garrett, Huey, Jones of Fountain, Kerr, Lanius, Parker, Rich, Shively, Simonson, Stophlet, Sullivan and Wills were found to be absent.

On motion,

The further call was suspended.

The question pending last adjournment being on the passage of bill of the House No. 130,

The ayes and noes were demanded by Messrs. Huckaby and Smith.

Those who voted in the affirmative are,

Messrs. Barclay, Bradley, Brown, Byers, Cowen, Duzan, Endicott, Ford, Garrett, Heustis, Hodges, Hostetter, Jones of Vigo, Kelley, Legg, Leslie, Lewis of Wayne, McAllister, McClure of Scott, Manville, Pettit, Pomeroy, Robinson of Decatur, Shanks, Smith, Tague, Tingley, Turman, Vandever, and Wilson—30.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Brecount, Claypool, Foresman, Fry, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Hill, Howard, Huckaby, Huey, Kerr, Lewis of Dearborn, Little, McClure of Knox, McGauhey, Montgomery, Odell, Palmer, Rose, Shelby, Tomlinson, Whight, Wright of Wayne, and Mr. Speaker—31.

On counting the votes given, it appearing that no quorum had voted, a new count was ordered, and resulted as follows:

Those who voted in the affirmative are,

Messrs. Barclay, Bradley, Brown, Bruce, Byers, Cowen, Darrow, Duzan, Endicott, Ford, Garrett, Grubbs, Hambrick, Herod, Heustis, Hodges, Hostetter, Jones of Vigo, Kelley, Legg, McAllister, McClure of Scott, Manville, Miller, Nimmon, Osborn, Parker, Pomeroy, Rich, Robinson of Carroll, Shanks, Shively, Smith, Tague, Turman, Vandever, Wills, and Wright of Switzerland—38.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Boardman, Brecount, Claypool, Colms, Conduit, Conner, Davis, Foresman, Fry, Fuller, Gregory, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hill, Hinchman, Hoggatt, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Kerr, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McGauhey, Montgomery, Mooney, Nutter, Odell, Palmer, Peek, Rose, Tingley, Tomlinson, Whight, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—48.

So the House refused to pass said bill.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed without amendment, an engrossed bill of the House of Representatives of the following title, to-wit:

No. 309. An act to legalize the publication of the lands returned and remaining delinquent, and sale thereof, for taxes due thereon in the county of Cass, for the years 1841, 1842, and 1843.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the following enrolled with the original bill of the House, and find the enrollment correctly made.

No. 309. An act to legalize the publication of the lands returned, and remaining delinquent, and sale thereof, for taxes due thereon in the county of Cass, for the years 1841, 1842, and 1843.

The committee further report, that they did, on the 4th of January inst., present the above bill to his Excellency, the Governor, for his approval and signature.

The following message was received from his Excellency, the Governor, by T. B. Kinder, his Private Secretary:

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House, that he has this day approved and signed the following act :

No. 309. An act to legalize the publication of the lands returned and remaining delinquent, and sale thereof, for taxes due thereon in the county of Cass, for the years 1842, and '43 ;

Which originated in the House of Representatives.

No. 140. A bill relative to chancery practice ;

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The Speaker laid before the House the following communication from his Excellency, the Governor :

To the House of Representatives :

Enclosed is a communication from the president and corresponding secretary of the New York institution for the blind, embracing important suggestions relative to the education of those who have the misfortune to be deprived of sight, which is respectfully submitted to the Legislature for such consideration or action in the premises as may be deemed advisable.

With great respect,

JAS. WHITCOMB.

January 4, 1845.

The communication was referred to the committee on education.

The Speaker also laid before the House the following communication from his Excellency, the Governor :

To the House of Representatives :

By the joint action of the two Houses of Congress at their late session, the following resolution was adopted :

“ *Resolved*, That the Secretary of the Treasury be and he is hereby authorized, to transfer from any office or offices of the Treasury Department from which their services may in his opinion be dispensed with, three or more clerks, to be employed under his direction, in correcting, arranging and classifying such statistical information as may be procured, showing or tending to show, each year, the condition of the agriculture, manufactures, domestic trade, currency and banks of the several States and Territories of the United States.”

The Register of the Treasury Department in the discharge of the duty of carrying this resolution into effect, which devolved on that branch of the public service, has addressed to me the enclosed circular, calling on the authorities of this State for such statistical infor-

mation as will be necessary to enable that department to comply with the spirit and intent of the foregoing resolution—blank forms for the collection of the information sought, were also transmitted with the same communication, and are herewith enclosed.

As the information desired is generally beyond the power of the Executive to communicate with any satisfactory approximation to certainty, the subject is referred to the Legislature for such action thereon, as may be deemed advisable.

With great respect,
JAS. WHITCOMB.

January 4, 1845.

The communication with the accompanying papers, was referred to the committee on agriculture.

No. 150. A bill to improve the navigation of Lost river ;
Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 156. A bill for the relief of Milton Stapp ;
Was read a third time ;

And the question being on the passage of the bill ;

And Messrs. Hoggatt and Mooney having demanded the ayes and noes,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Boardman, Bradley, Brecount, Bruce, Claypool, Conner, Darrow, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hill, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Odell, Osborn, Parker, Peek, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shelby, Smith, Snook, Stophlet, Tingley, Tomlinson, Wills, Wolf, and Wright of Wayne—51.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Brown, Byers, Conduit, Davis, Duzan, Endicott, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hoggatt, Howard, Huey, Kelley, Leslie, Lewis of Dearborn, McAllister, Manville, Montgomery, Mooney, Nimmon, Palmer, Shanks, Shively, Simonson, Tague, Vandever, Wilson, and Wright of Switzerland—35.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 169. A bill to modify the 30th section of chapter 16, of the Revised Statutes ;

Was read the third time ; and,

On motion by Mr. Robinson of Carroll,
Was laid on the table.

No. 195. A bill to locate a State road in the counties of Allen and Noble.

No. 221. A bill in relation to proceedings upon writs of *ad quod damnum*.

No. 256. A bill explanatory of section 54, article first, chapter sixteen, of the Revised Statutes of 1843.

No. 257. A bill changing the mode of doing county business in the county of Brown.

No. 258. A bill for the relief of certain persons therein named; (the title was so amended as to read for the relief of Jesse Daver and Joseph Lea.)

No. 265. A bill for the relief of purchasers of saline lands in Orange county.

No. 248. A bill relative to the expenses of changing the venue in civil cases.

No. 271. A joint resolution on the subject of a turnpike road from Bloomington to Columbus, through Brown county.

No. 295. A bill in relation to the Revised Statutes of 1843.

No. 287. A bill to require non-resident free-holders to pay a road tax equal to that of resident citizens.

No. 299. A bill to compel speculators to pay a road tax equal to that paid by actual settlers; (the title of the bill was amended by adding after the word "settlers," "in the county of Tipton.")

No. 301. A bill for the relief of the creditors of John Graves, late of Clay county, deceased.

Were severally read the third time and passed.

Ordered, That the Clerk report the same to the Senate, and respectfully ask their concurrence therein.

No. 254. A bill to allow further time to supervisors of roads to work the same;

Was read the third time;

And the question being,

Shall the bill pass?

And the ayes and noes having been demanded by Messrs. Simonson and Garrett,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Duzan, Endicott, Foresman, Fuller, Gregory, Grubbs, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, Matlock, Montgomery, Mooney, Nutter, Odell, Osborn, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Snook, Stapp, Tague, Tingley, Tomlinson, Turman,

Vandever, Wills, Whight, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—77.

Those who voted in the negative are,

Messrs. Boardman, Ford, Fry, Garrett, Hambrick, Heustis, Hill, Kelly, Lanius, Legg, McGauhey, Miller, Nimmon, Robinson of Carroll, Shively, Simonson, and Stophlet—17.

So the bill passed.

Ordered, That the Clerk report the same to the Senate.

No. 262. A bill to incorporate the Putnam county Medical Society; Was read the third time; when,

Mr. Garrett moved to recommit the same to a select committee, with the following instructions :

To insert a section prohibiting the interference of said incorporation, in any way, with what is termed steam doctors;

Which motion did not prevail;

When the question recurred,

Shall the bill pass?

And the ayes and noes having been demanded by Messrs. Hambrick and Wills,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Bradley, Brown, Bruce, Colms, Conduit, Darrow, Foresman, Fry, Grubbs, Handy, Herod, Hill, Hinchman, Hodges, Howard, Huckaby, Huey, Kerr, Lanius, Leslie, McClure of Scott, McGauhey, Matlock, Miller, Mooney, Parker, Pettit, Pomeroy, Rosseau, Shanks, Shively, Smith, Stapp, Stophlet, Tingley, Tomlinson, Turman, Wills, Whight, Wilson, and Wright of Switzerland—44.

Those who voted in the negative are,

Messrs. Bell, Brecount, Byers, Conner, Cowen, Davis, Endicott, Ford, Fuller, Garrett, Gregory, Hambrick, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Heustis, Hoggatt, Hostetter, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Legg, Lewis of Wayne, Little, McAllister, Manville, Montgomery, Nimmon, Nutter, Odell, Palmer, Peek, Robinson of Carroll, Robinson of Decatur, Rose, Shelby, Simonson, Snook, Tague, Vandever, Wolf, Wright of Wayne, and Mr. Speaker—46.

So the bill was lost.

Mr. Matlock, having first obtained leave, introduced,

No. 310. A bill amendatory of an act entitled an act for the relief of the securities of W. H. Darnall, former school commissioner of Hendricks county;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk report the same to the Senate.

Mr. Foresman, having obtained leave, presented a communication from Henry L. Ellsworth, Elias L. Beard & Co., proposing to enter into a contract with the State of Indiana for the purpose of constructing the Wabash and Erie canal to Terre Haute, upon certain stipulations therein mentioned;

Which was,

On motion,

Referred to a select committee of ten, consisting of Messrs. Tingley, Hostetter, Garrett, Rosseau, Bradley, Whight, Lanius, Conner, Darrow, and Hodges, to act in concert with a similar committee to be appointed on the part of the Senate.

On motion by Mr. Handy,

The vote taken upon

No. 169. A bill to modify the 30th section of chapter 16 of the Revised Statutes;

Was reconsidered.

The question being again put on the motion to lay on the table;

It was decided in the negative.

The question then recurred,

Shall the bill pass?

Which was decided in the affirmative.

Ordered, That the Clerk report the same to the Senate.

No. 266. A bill to amend the first article of the 50th chapter of the Revised Statutes of 1843;

Was read the third time; when,

On motion by Mr. Conduit,

The provisions of said bill were extended to the county of Morgan.

The question being,

Shall the bill pass?

It was decided in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

No. 275. A bill to repeal a part of the 163rd section of chapter 12 of the Revised Statutes of 1843, as it respects its operation in Jackson, Scott, Lawrence, and Brown counties;

Was read the third time;

And by the *unanimous* consent of the House,

Was amended by extending its provisions to the counties of Clay, Warren, and Johnson.

The question being taken,

Shall the bill pass?

It was decided in the affirmative;

The title being amended to correspond.

Ordered, That the Clerk report the same to the Senate.

No. 293. A bill for the relief of the voters of Warrick county;

Was read the third time; when,

Mr. Huckaby moved to recommit the same with instructions to amend so as to extend the provisions thereof to the county of Perry.

Mr. Smith moved the previous question ;

Which was seconded by the House.

The question being,

Shall the main question be now put?

It was decided in the affirmative.

The main question was then put, to-wit:

Shall the bill pass?

And the ayes and noes having been demanded by Messrs. Manville and Huckaby,

Those who voted in the affirmative are,

Messrs. Bell, Byers, Fry, Fuller, Hazelrigg, Hodges, Huckaby, Leslie, Lewis of Dearborn, McAllister, McGauhey, Manville, Matlock, Montgomery, Nimmon, Peek, Pettit, Rich, Rosseau, Stapp, Wilson, and Mr. Speaker—22.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conduit, Cowen, Darrow, Endicott, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hinchman, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, Miller, Mooney, Nutter, Odell, Osborn, Palmer, Parker, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shelby, Shively, Simonson, Smith, Stophlet, Tague, Tingley, Tomlinson, Turman, Vandever, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—70.

So the bill did not pass.

No. 284. A bill to re-organize the militia in the State of Indiana ;
Which was read the third time ; when,

Mr. Hodges moved that said bill do lie on the table ;

And the ayes and noes having been demanded by Messrs. Jones of Fountain, and Huckaby,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bradley, Conduit, Conner, Endicott, Foresman, Fry, Garrett, Grubbs, Hambrick, Helwig, Herod, Hill, Hodges, Hostetter, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Manville, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Carroll, Shelby, Shively, Stophlet, Tomlinson, Turman, Whight, Wolf, Wright of Switzerland, and Wright of Wayne—42.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Brecount, Brown, Byers, Claypool, Colms, Cowen, Darrow, Davis, Ford, Fuller, Gregory, Handy, Hannah, Hauser, Hazelrigg, Heustis, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, McGauhey, Montgomery, Mooney, Palmer, Peek, Rich, Robinson of Decatur, Rosseau, Shanks, Simonson, Smith, Snook, Stapp, Tague, Tingley, Vandever, Wills, Wilson, and Mr. Speaker—48.

So said motion did not prevail.

Mr. Fuller moved the previous question;

Which was seconded by the House.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The main question was then put, to-wit:

“Shall the bill pass?”

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Boardman, Brecount, Brown, Byers, Claypool, Colms, Cowen, Davis, Ford, Fuller, Gregory, Handy, Hannah, Hauser, Hazelrigg, Heustis, Hinchman, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, Lewis of Dearborn, McAllister, McClure of Scott, McGauhey, Montgomery, Mooney, Palmer, Peek, Rich, Robinson of Decatur, Rosseau, Shanks, Simonson, Smith, Snook, Stapp, Tague, Wills, and Wilson—43.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bradley, Bruce, Conduit, Conner, Darrow, Duzan, Endicott, Foresman, Fry, Garrett, Grubbs, Hambrick, Helwig, Herod, Hill, Hodges, Hostetter, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Manville, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Robinson of Carroll, Rose, Shelby, Shively, Stophlet, Tingley, Turman, Vandever, Whight, Wolf, Wright of Wayne, and Mr. Speaker—49.

So said bill did not pass.

Mr. Bell, on leave granted, introduced

No. 311. A bill to incorporate the President and Directors of the Indianapolis and Andersontown Canal Company;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was referred to the committee on corporations.

Mr. Conner, on leave granted, introduced

No. 312. A bill to incorporate the Indianapolis and Peru Turnpike Company;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was referred to the committee on corporations.

Mr. Blakemore, on leave granted, introduced

No. 313. A bill to incorporate the Logansport Brass Band;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was referred to the committee on corporations. Then,

On motion,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, JANUARY 6, 1845.

The House met pursuant to adjournment.

PETITIONS, &c., WERE PRESENTED,

By Mr. Robinson of Carroll,

Of citizens of the county of Richardville, praying for a State road as therein named;

Which was referred to a select committee consisting of Messrs. Robinson of Carroll, Blakemore and Hill.

Also, the petition of the trustees of school district No. 5, Pittsburg, Carroll county, praying for relief as therein named;

Which was referred to the same select committee as above.

Also, by the same, from eight hundred citizens of Clark county, praying for a change in the law relative to license to vend liquor;

Which was referred to the select committee to which that subject had been heretofore referred.

By Mr. Smith,

Of Beulah Merrithew, upon the subject of a cause now pending in the Spencer Circuit court for a divorce, &c.;

Which was referred to the judiciary committee.

On motion,

Mr. Simonson had leave to withdraw sundry petitions of citizens of Clark county on the subject of license to vend spiritous liquors.

By Mr. Parker,
Of J. A. Smith and others, praying a charter of incorporation for a turnpike road therein named;

Which was,

On motion,

Laid on the table.

By Mr. Turman,

Of E. L. Kemp and others, praying the extension of a certain State road therein named;

Which was referred to a select committee, of Messrs. Turman, Jones of Vigo and Hodges.

By Mr. Vandever,

Of citizens of Orange and Martin counties, praying the passage of a law requiring certain hands within three miles of Lick creek and Lost river to work the same, &c.;

Which was,

On motion,

Laid on the table.

By Mr. Peek,

Of citizens of Martin county, remonstrating against a change in the mode of doing county business in said county;

Which was referred to the judiciary committee.

Mr. Handy asked and obtained leave to make the following report:

MR. SPEAKER:

The select committee, to whom was referred bill No. 180, entitled "A bill fixing the time of holding courts in the 5th judicial circuit," have had that matter under consideration, and have directed me to make the following report: Strike out the bill from its enacting clause and insert the following; and recommend its speedy passage:

The amendment of bill No. 180, in the above report mentioned, was concurred in by the House.

And the rules were further suspended, and said bill considered as engrossed, and read the third time, and passed.

Ordered, That the Clerk report the same to the Senate, and ask their concurrence therein.

On motion by Mr. Herod,

Milton Stapp has leave to withdraw from the files of this House certain documents upon the subject of relief, &c.

Mr. Hill presented the petition of Eden Ratliff and others, praying the alteration of the lines of the counties of Clinton and Richardville;

Which was referred to a select committee of Messrs. Hill, Blake-more and Robinson of Carroll.

By Mr. Hazelrigg,

Of citizens of Boone county, praying the passage of an act making an equal distribution of the school fund in said county;

Also, a remonstrance against the same;

Which was referred to the committee on education.

By Mr. Heustis,

The memorial of citizens of Dearborn county, praying the establishment of a certain State road therein named;

Which was referred to a select committee of Messrs. Heustis, Boardman and Lewis of Dearborn.

By Mr. Hannah,

A petition to extend the boundaries of Blackford county;

Which was referred to a select committee consisting of Messrs. Shanks, Pettit and Bradley.

By Mr. Shively,

A remonstrance of sundry citizens of Grant county against the addition of any portion of the territory of said county to the county of Blackford;

Which was referred to the same committee to which a petition on the same subject had been referred.

By Mr. Tague,

From sundry citizens of Hancock county, praying for the repeal of a law therein named relative to the auditor's salary in said county;

Which was referred to the judiciary committee.

By Mr. Pettit,

A petition of Dan. Sandes and forty-three others, for the change of the name of the town of New Market to Chili;

Which was referred to a select committee consisting of Messrs. Pettit, Jones of Vigo, and Osborn.

By the same,

A communication on the subject of the burnt records of Miami county; which was,

On motion by Mr. Pettit,

Laid on the table.

By Mr. Bruce,

A memorial of Catherine S. Noble and others, praying for the vacation of a certain street in the town of Indianapolis;

Which was referred to a select committee consisting of Messrs. Bruce, Hostetter and Grubbs.

By Mr. Ford,

A petition of George Atkinson and others, on the subject of a divorce;

Which was referred to the judiciary committee.

By Mr. Shelby,

A petition from the commissioners and seminary trustees of Tippecanoe county, for relief;

Which was referred to a select committee consisting of Messrs. Shelby, Odell and Bradley.

By Mr. Brecount,

The petition of sundry citizens of Jasper county, praying for the removal of the county seat of said county;

Which was referred to a select committee, consisting of Messrs. Pettit, Blakemore and Robinson of Carroll.

By Mr. Huey,

A petition from sundry citizens of Jay county, relative to a State road therein named;

Which was referred to a select committee consisting of Messrs. Huey, Ford and Bruce.

By Mr. Nimmon,

The petition of sundry citizens of Lagrange county, praying for the repeal of a special act for selecting jurors in said county; which

On motion by Mr. Nimmon,

Was laid on the table.

On motion,

The order of business was suspended, and the House took up bill of the Senate,

No. 35. A bill to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner;

Which was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Hazelrigg,

A petition and a remonstrance from sundry citizens of the counties of Boone, Montgomery, Clinton and Tippecanoe, in relation to a State road therein named;

Which was referred to the committee on roads.

Mr. Robinson of Decatur, chairman of the committee on elections, made a report on the subject of the defalcation of A. T. Rose, Representative from the county of Clay; reporting against said Rose.

Mr. Wright of Switzerland, from the minority of said committee, made a counter report upon the same subject; which were,

On motion by Mr. Herod,

Laid on the table, and one hundred copies ordered to be printed for the use of this House.

Mr. Whight moved to reconsider the vote just taken, upon which the report and counter report of the committee on elections were ordered to be printed.

Which did not prevail.

Mr. Hoggatt moved to suspend the rules that he might introduce a resolution;

Which motion did not prevail.

Mr. Colms made the following report:

MR. SPEAKER:

The committee on ways and means to which was referred the sub-

ject of furnishing maps for each county, have directed me to report the following joint resolution, and recommend its passage.

No. 315. A joint resolution to furnish maps to each county ;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was referred to a select committee of Messrs. Simonson, Tingley, and Rich.

Mr. Tingley, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred bill of the House No. 276, entitled, a bill to regulate judicial notices in the county of Daviess, with accompanying instructions, have had the same under consideration, and instructed me to report the same back without amendment, and recommend its passage.

No. 276, in said report mentioned,

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anthony made the following report :

MR. SPEAKER :

The committee on education, to whom was referred bill of the House No. 177, providing for the distribution of the Saline Fund, Bank Tax Fund, Indianapolis Fund, Treasury Fund, and funds belong to estates without heirs, have had that subject under consideration, and have instructed me to report that a bill has passed the Senate, and is now before the House, on that subject, and ask to be discharged from a further consideration thereof.

The above report was concurred in, and No. 177, in the same mentioned,

Was ordered to be engrossed for a third reading on to-morrow.

Mr. Leslie made the following report :

MR. SPEAKER :

The committee on claims, to which was referred the several petitions of the citizens of the county of Montgomery, praying relief for the securities of Daniel Carle, late school commissioner for said county, have had the same under consideration, and have directed me to report a bill, in conformity to the prayer of said petitioners, and recommend its passage.

Bill No. 316. For the relief of the securities of Daniel Carle ;
Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bell, from the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petitions of sundry citizens of the counties of Grant and Blackford, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

No. 317. A bill to locate a State road therein named ;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bell also made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petition of citizens of Elkhart county, praying a change in a certain State road running through said county, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 318. A bill to change a certain State road in Elkhart county ;

Which was read three several times, the rule being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pomeroy made the following report :

MR. SPEAKER :

The committee on roads to which was referred a petition for a State road in the county of Marshall, have had the same under consideration, and directed me to report the following bill and recommend its passage :

No. 319. A bill to locate a State road in the county of Marshall ;

Which was read three several times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred bill of the House No. 236, a bill for the better collection of the water rents due the State, have had the bill under consideration, and have directed me to report the same back to the House with an amendment, and with said amendment, recommend its passage :

Which amendment was concurred in ; and

No. 236. In said report mentioned ;

Was considered as engrossed, and read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stapp, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred "a bill relating to a contractor on the Madison and Indianapolis Railroad," have had the same under consideration, and directed me to report the same, with a few immaterial amendments, and recommend its passage :

The amendments to No. 170, referred to in the aforesaid report, were not concurred in ;

And the bill was read a third time ; and,

The question being,

Shall the bill pass ?

And the ayes and noes having been demanded by Messrs. Whight and Leslie,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Colms, Darrow, Duzan, Fry, Garrett, Gregory, Grubbs, Hambrick, Herod, Hodges, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, McGauhey, Matlock, Odell, Osborn, Peek, Pomeroy, Rich, Robinson of Decatur, Shelby, Stapp, Stophlet, Sullivan, Tomlinson, Wright of Wayne, and Mr. Speaker—35.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Conner, Cowen, Davis, Endicott, Fuller, Handy, Hannah, Hardin, Hazelrigg, Helwig, Heustis, Hill, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Huey, Kelley, Lanius, Leslie, Lewis of Wayne, Little, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nutter, Palmer,

Parker, Pettit, Robinson of Carroll, Rosseau, Shanks, Shively, Simonson, Snook, Tague, Tingley, Turman, Vandever, Wills, Whight, Wilson, Wolf, and Wright of Switzerland—51.

So the bill did not pass.

Mr. Hodges made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the memorial of Alexander Beard, asking remuneration from the State for the amount of work done by him on sections 15 and 16 of the Cross Cut canal, have had that subject under consideration, and respectfully report, that they find, on examination of the whole subject, that the said Alexander Beard, previous to the year 1841, was a contractor on the Cross Cut canal, and as such contractor, performed a large amount of work upon the feeder dam connected with said canal. That before he had received full payment for the said work, the work on the said canal was suspended and he was obliged to apply to the Legislature for the payment of his just and rightful demands against the State, and that on a careful and rigid re-examination of all the facts connected with that claim, we are satisfied that the law passed for his relief in that behalf did not provide for a full and just payment of that claim ; and even after placing the amount of his compensation at a very low rate, the committee who brought forward that bill, deducted twenty per cent. from their own estimate of what was his due.

And your committee, believing that the State should not repudiate the honest debts which are within her ability to pay, and especially to those who have, by their industry, served her interests, and who have expended their means in her service, would be glad if they could report a bill for the relief of said Beard to at least the amount of the twenty per cent. deducted from his previous claim ; but such a course is precluded by the fact that the amount allowed to said Beard heretofore was received by him in full satisfaction of said claim ; and your committee feel that they ought not now to go behind the adjustment of that matter already made.

Your committee have, however, no difficulty, whatever, in reference to the present application for relief on the part of said Beard. Your committee find that the services for which he asks remuneration, were performed by him in good faith in the year 1841 and duly estimated and certified to by the resident engineer. That the work was necessary to prevent the destruction of other valuable parts of the work and the rapid decay of materials which would otherwise have been a total loss to the State ; and further, that said work was done under the advice and direction of the then resident engineers, and under the belief that the operations of the State on that work would be speedily resumed.

Your committee further report that the amount to which the State

is justly indebted to the said Alexander Beard for work so by him done on the said 15th and 16th sections of said canal, is the sum of twenty-six hundred and ninety-four dollars and fifty-three cents, none of which has been paid.

Your committee, therefore, report the following bill and recommend its passage:

No. 320. A bill for the relief of Alexander Beard;

Which was read a first time and ordered to a second reading.

Mr. Jones of Fountain, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the petition of Alexander McClelland of Fountain county, late a contractor on the Wabash and Erie canal, praying "that the Superintendent on the canal should be authorized to pay him in canal scrip a sum equivalent to his contract prices for work done by him on said canal," have had the matter under consideration, and after hearing the evidence of the Superintendent on said canal, and examined the certificates of the Chief Engineer, together with the *law* on the subject, have concluded to report the following bill and have directed me to recommend its passage:

No. 321. A bill for the relief of Alexander McClelland;

Which was read the first and second times, the rules being suspended therefor, and,

On motion by Mr. Simonson,

Was laid on the table.

Mr. Pettit, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred a bill of this House "to extend the time of payment upon the sale of canal lands," have had the same under consideration, and instructed me to report the same back with one amendment, and recommend its passage.

The amendment of the committee to No. 123, referred to in the above report, was concurred in;

And the bill ordered to be engrossed for a third reading on tomorrow.

Mr. Pettit moved to reconsider the vote just taken upon which bill No. 123 was ordered to be engrossed;

And the ayes and noes having been demanded by Messrs. Pettit and Anthony,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Bradley, Brecount, Bruce, Colms, Cowen, Darrow, Endicott, Fry, Fuller, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Howard, Huey, Jamison, Jones of Fountain, Kerr, Lanius, McAllister, McClure of Knox, McGauhey, Manville, Matlock, Miller, Montgomery, Nimmon, Osborn, Palmer, Parker, Pettit, Pomeroy, Rose, Shanks, Shively, Simonson, Smith, Snook, Stophlet, Tague, Turman, Wright of Switzerland, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Bell, Brown, Byers, Claypool, Conduit, Conner, Davis, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hannah, Hazelrigg, Herod, Hinchman, Hostetter, Huckaby, Jones of Vigo, Kelley, Legg, Leslie, Lewis of Wayne, Little, Mooney, Nutter, Peek, Robinson of Decatur, Shelby, Stapp, Sullivan, Tingley, Tomlinson, Vandever, Whight, Wilson, Wolf, and Wright of Wayne—39.

So said vote was reconsidered.

Mr. Rich moved the previous question ;

Which was seconded by the House.

The question being,

“Shall the main question be now put ?”

Which was decided in the affirmative.

The main question was then put, to-wit:

“Shall the bill be engrossed for a third reading?”

And the ayes and noes having been demanded by Messrs. Robinson of Carroll and Pettit,

Those who voted in the affirmative are,

Messrs. Blakemore, Bradley, Brecount, Bruce, Colms, Conner, Cowen, Darrow, Duzan, Endicott, Fry, Fuller, Hambrick, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Huey, Jamison, Jones of Fountain, Kerr, Lanius, McGauhey, Manville, Matlock, Montgomery, Nimmon, Osborn, Pettit, Pomeroy, Robinson of Carroll, Rose, Rousseau, Shanks, Shively, Smith, Snook, Stapp, Stophlet, Turman, Vandever, Wills, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Byers, Claypool, Conduit, Davis, Ford, Foresman, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hazelrigg, Herod, Hinchman, Hostetter, Howard, Huckaby, Jones of Vigo, Kelley, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, Miller, Mooney, Nutter, Odell, Palmer, Peek, Rich,
48 H

Robinson of Decatur, Shelby, Simonson, Tague, Tingley, Tomlinson, Whight, Wilson, Wolf, and Wright of Wayne—44.

So the bill was ordered to be engrossed.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared enrolled bills of the Senate as follows with the originals and find the enrollment correctly made:

No. 27. An act to revise and amend an act entitled, "An act to incorporate the Richmond and Boston Turnpike Company," approved February 15, 1839;

No. 75. An act to provide for erecting a bridge across Laughery creek in Ripley county;

No. 116. An act to locate a State road in Randolph and Jay counties;

No. 63. An act to establish an additional place of holding elections in Lafayette township, Floyd county.

Also, the following bills of the House:

No. 24. An act to amend an act entitled, an act abolishing docket fees, dispensing with final records in certain cases, approved January 28, 1843;

No. 42. An act to repeal a certain act therein named, so far as it relates to the county of Pike;

No. 77. An act to amend an act providing for the loaning of the school funds of Vigo county, approved January 13, 1844;

No. 2. An act to provide for the loaning of the school funds of Clay and Posey counties;

No. 152. An act to incorporate the New Castle Band of Musicians;

No. 143. An act for the relief of the president and trustees of the town of Greencastle, and other purposes;

No. 148. An act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

No. 13. An act supplemental to an act to change a State road in Sullivan county, approved January 13, 1844;

No. 11. An act in relation to patents to purchasers of lands in the reserve townships in Gibson and Monroe counties, and of the saline lands;

No. 19. An act to legalize the official acts of James Blair and Stearns Fisher, former commissioners of the Wabash and Erie canal;

No. 4. An act relative to the appointment of county commissioners of the several counties of this State, to act as boards of library trustees in their respective counties, and for other purposes;

No. 36. An act to repeal the Posey county road law.

The committee further report, that they did, on the 7th day of January, 1845, present the foregoing bills of the House to his Excellency, the Governor, for his signature and approval.

On motion,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from George H. Dunn, late Treasurer of State:

*To the General Assembly
of the State of Indiana:*

I beg leave to state to the General Assembly that, since the presentation of my memorial, further investigations into the transactions of the offices of State have resulted in showing me entitled to a credit of \$5,610 58, and which will reduce the sum stated in that memorial as being deficient, in that amount. This credit happens in this way: At the session of 1842-3 the General Assembly passed an act for the relief of John J. Graham, Treasurer of Morgan county, allowing him for certain funds collected by him for revenue for 1841, and burnt in his house February 18, 1842. Under the provisions of that act there was allowed him at the State Treasury a credit for \$5,610 58, and the receipt of the Treasurer of State for such allowance, dated 1st March, 1843, was duly given, and the amount thereof charged to the Treasurer of State in the Auditor's books, and no warrant was ever issued or other credit given to the Treasurer of State on account of the same. I herewith append copies of my receipt certified by the Auditor of State, which shows the nature of the transaction as also the certificate of the Auditor that no credit has ever been given me for the same.

I request that this matter may be submitted to the committee having charge of my memorial, for their allowance, and, although I shall continue to make further investigations in the hope that other errors may be found, yet, as such may not be the case, I hope that the request made in my said memorial may be granted.

G. H. DUNN.

AUDITOR'S OFFICE,
Indianapolis, January 6, 1845. }

I do hereby certify that the following is a true copy of the original receipt on file in my office, numbered 1108, and that by virtue of the same the Treasurer of State was, at the time of its date, charged with the amount therein stated:

No. 1108. Revenue 1841. \$5,610 58-100.

TREASURER'S OFFICE,
Indianapolis, March 1, 1843. }

Received of John J. Graham the sum of five thousand six hundred and ten dollars 58-100 cents on account of revenue for 1841, this being the amount allowed him under act for his relief for money burnt in his house.

G. H. DUNN,
Treasurer of State.

I do further certify that on examination of the books of my office I do not find that any credit has been allowed said Treasurer of State or any warrant ever issued for the amount so receipted for.

HORATIO J. HARRIS,
Auditor of State.

Which was,

On motion by Mr. Tingley,

Referred to the committee of ways and means.

The following message was received from the Governor by Mr. Kinder, his private secretary:

MR. SPEAKER:

I am authorized by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts:

No. 25. An act to change the name of James Cowdrey Smith;

No. 7. An act to repeal a portion of an act entitled, "An act declaring Patoka a public highway, and for other puposes," so far as it relates to the county of Pike;

Which originated in the House of Representatives.

On motion by Mr. Simonson,

No. 321. A bill for the relief of Alexander McClelland,

Was taken from the table, and ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Robinson of Carroll,

The vote by which No. 284, a bill to reorganize the militia of the State of Indiana was ordered to be engrossed, was reconsidered.

And the question again recurring,

Shall the bill be engrossed for a third reading on to-morrow?

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Brecount, Bruce, Byers, Cowen, Davis, Duzan, Endicott, Ford, Fry, Gregory, Handy, Hauser, Hazelrigg, Hinchman, Hoggatt, Howard, Huckaby, Huey, Jones of Fountain, McAllister, McClure of Scott, McGauhey, Montgomery, Palmer, Pettit, Rich, Robinson of Carroll, Roseau, Simonson, Smith, Snook, Sullivan, Tague, Tingley, Turman, Vandeveer, Wills, and Wilson—39.

Those who voted in the negative are,

Messrs. Anthony, Boardman, Bradley, Claypool, Colms, Conduit, Garrett, Helwig, Herod, Heustis, Hill, Hodges, Hostetter, Jamison, Jones of Vigo, Kelley, Kerr, Lanius, Legg, Leslie, Lewis of Wayne, McClure of Knox, Manville, Matlock, Miller, Nimmon, Nutter, Osborn, Parker, Peek, Pomeroy, Shanks, Shelby, Shively, Stophlet, Tomlinson, Whight, Wolf, and Wright of Wayne—40.

So said bill was lost on its engrossment.

Mr. Wilson, having obtained leave, introduced,

No. 322. A bill declaring Big Blue River, a public highway:

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wolf made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of H. W. Walker and others, on the subject of an alley in Georgetown, Floyd county, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 334. A bill in relation to an alley in Georgetown, Floyd county;

Which was read a first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

Mr. Peek, having obtained leave, introduced

No. 335. A bill legalizing the proceedings of the board doing county business in Martin county; and also of James Dilley as treasurer and collector;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pettit made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition of citizens of the town of Newmarket, in the county of Miami, praying that the name of said town may be changed to Chili, have considered the same, and instructed me to report the accompanying bill, and respectfully recommend its passage.

No. 336. A bill to change the name of the town of New Market, in Miami county, to Chili;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Turman made the following report :

MR. SPEAKER :

The select committee, to which was referred the petition of E. L. Kinney and others, citizens of Sullivan county, praying for the location of a State road, have had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 337. A bill to locate a State road in Sullivan county ;

Which was read the first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading on to-morrow.

Mr. Claypool made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of W. N. Doughty and others of Franklin county, praying an act of incorporation for the town of Laurel, have had the subject under consideration, and directed me to report that it is inexpedient to legislate on the subject, as there is now a general law for the incorporation of towns, which will, in the opinion of the committee, fully meet the object desired by the petitioners; the committee ask to be discharged from the further consideration of the subject.

Which was concurred in by the House.

Mr. Claypool also made the following report :

MR. SPEAKER :

The committee on corporations to which was referred a bill of the Senate, No. 115, to amend an act entitled, "an act to incorporate the city of New Albany, and repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839, have considered the same, and directed the bill reported back to the House, and recommended its passage.

Bill of the Senate No. 115 in said report mentioned,
Was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, entitled,

No. 65. An act to incorporate the Terre Haute draw-bridge company.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred the petition of citizens of the town of Bloomington and its vicinity, for the incorporation of the town of Bloomington, have had the same under consideration, and directed me to report the accompanying bill, and respectfully recommend its passage.

No. 323. A bill to incorporate the town of Bloomington ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pettit also made the following report :

MR. SPEAKER :

The committee on corporations, to whom was referred bill of the House No. 312, to incorporate the Indianapolis and Peru turnpike company, have had the same under careful deliberation, and directed me to report the same back to the House, with the accompanying amendment, and respectfully recommend its passage.

No. 312. A bill to incorporate the Indianapolis and Peru turnpike company ;

The following is the amendment reported by the committee :

SEC. 16, line 22, strike out the words "in writing," and insert "although not made in writing," and all of the same section after the 29th line.

The amendment was concurred in, the bill was considered engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool made the following report:

MR. SPEAKER :

The committee on corporations, to whom was committed several petitions, praying an act of incorporation to improve the Michigan road between Indianapolis and Logansport, as also a bill to incorporate a company to effect the object designed by the petitioners, to-wit: "No 264. A bill to incorporate the Michigan road company," have directed me to report the bill back to the House, with several amendments, as also the petitions, and ask the concurrence of the House to the amendments, and recommend its passage, and ask to be discharged, &c.:

Amend as follows, to-wit:

1st. Strike out in the 16th section all that relates to the issuing of scrip.

2nd. Strike out in the 19th section all that relates to the issuing of scrip and entries of land with scrip.

3rd. Strike out 22nd, 23rd, 24th, 25th, 26th, 27th, and 28th sections.

4th. Add after the 19th section the following:

"That the President and Directors of said board shall be authorized to sell any lands belonging to said company, at any price not less than the appraised value thereof, and convey the same by deed in fee simple, signed and sealed by the President and attested by the Secretary."

5th. Amend the 31st section by striking out the word "three" and inserting "two" in the second line.

The amendments of the committee were concurred in, the bill was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave being granted,

Mr. Jones of Fountain, offered the following resolution, which was adopted :

Resolved, That the use of this Hall be tendered to the State Temperance Society on Tuesday evening, the 7th instant, for the purpose of advancing the cause of Temperance.

Mr. Colms made the following report:

MR. SPEAKER :

The select committee to which was referred a petition from sundry citizens of the county of Kosciusko, asking the vacation of a part of a State road therein named, have had that matter under consideration, and directed me to report the following bill and recommend its passage:

No. 324. An act vacating a part of a State road therein named ;
Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anthony made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of sundry citizens of the county of Porter, in relation to the sale of a tract of school land, have had that subject under consideration, and now report the following bill and recommend its passage, and ask to be discharged from a further consideration thereof:

No. 325. A bill to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Charles E. Dewolf, and Joseph Bartholomew ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hambrick made the following report :

MR. SPEAKER :

The select committee to whom was referred the petition of the justices of the peace of Putnam county, have had that subject under consideration, and directed me to report the following bill and recommend its passage :

No. 326. A bill changing the mode of doing county business in the county of Putnam ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Shanks made the following report :

MR. SPEAKER :

The select committee to which was referred a petition from sundry

citizens of Washington county, praying for the office of County Auditor to be restored, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 327. A bill relating to the Auditor of Washington county; Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Hodges made the following report:

MR. SPEAKER:

The select committee to whom was referred bill "No. 274. Changing the time of holding Courts in the 7th judicial circuit," have had that subject under consideration, and a majority have directed me to report the same back to the House and recommend its passage:

The bill was amended by inserting in the proper place the following words:

"Shall not take effect until the second Monday in July next."

The bill was then considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of the heirs of Noah Noble, deceased, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 328. A bill for the relief of the heirs of Noah Noble; Was read a first time and ordered to a second reading.

Mr. Odell made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Henry Hill and sundry others, citizens of Daviess and Martin counties, praying a change in the law of the last General Assembly, entitled "an act to reduce the tolls on the New Albany and Vincennes road," have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 330. A bill to amend an act entitled, an act to reduce the tolls on the New Albany and Vincennes Turnpike road, approved January 13, 1843;

Was read a first time and ordered to a second reading.

Mr. McGauhey made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Tippecanoe county, praying for a change in a State road therein named, have had the same under consideration, and instructed me to report the following bill, and recommend its passage :

No. 329. A bill to change part of a State road in Tippecanoe county ;

Was read a first time and ordered to a second reading.

Mr. Hardin made the following report :

MR. SPEAKER :

The select committee, to which was referred several petitions of citizens of Johnson and Sullivan counties, praying that the office of county auditor of said counties be abolished, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 331. A bill to abolish the office of county auditor in certain counties therein named ;

Was read a first time, and ordered to a second reading.

Mr. Anthony made the following report ;

MR. SPEAKER :

The select committee, to whom was referred the bill from the Senate No. 143, for the relief of Millens Loomer, have had that subject under consideration, and have instructed me to report the bill back to the House without amendment and recommend its passage, and ask to be discharged from a further consideration thereof.

Bill of the Senate No. 143 mentioned in said message,

Was ordered to a third reading on to-morrow.

Mr. McClure of Knox made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of Thomas Carrico and sundry others, asking for the passage of a law authorizing the said Carrico to erect a dam on Black Creek, in Greene county, together with the remonstrance of Thomas Butler and others, against the passage of such a law, have had the subject matter

of said petitions and remonstrances under consideration, and have directed me to report the following bill, and recommend its passage :

Mr. Hodges dissents from the above report.

No. 332. A bill to authorize Thomas Carrico to erect a dam across Black Creek ;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

On motion by Mr. Bell,

The following bill was taken from the table.

No. 300. A bill to vacate a part of a State road therein named ; Which was ordered to be engrossed for a third reading.

On motion by Mr. Herod,

The House took up,

No. 189. A bill to extend the time to the collector of Bartholomew county to settle the State and county revenue of said county, for the year 1844.

On motion by Mr. Tomlinson,

The county of Delaware was inserted in the bill ;

Which was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Vandever made the following report :

MR. SPEAKER :

The select committee, to which was referred the petition of Robert Dougherty and others, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 333. A bill to locate a State road from Nathan Hallowell's to Orleans in Orange county ;

Was read a first and second times, the rules being suspended therefor, and ordered to be engrossed.

Mr. Claypool, having obtained leave, introduced,

No. 338. A bill to repeal a part of a certain act therein named ;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Heustis made the following report :

MR. SPEAKER :

The select committee, to which was referred the petition of sundry citizens of Dearborn and Ripley counties, have had the same under consideration, and directed me to report the following bill, and respectfully recommend its passage :

No. 339. A bill to locate a State road in Dearborn and Ripley counties ;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Hardin made the following report :

MR. SPEAKER :

The select committee, to which was referred the petition of citizens of Johnson county, praying a reduction of the fees of the recorder, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 340. A bill to regulate the fees of recorders in certain cases ;

Which was read a first time, and passed to a second reading on to-morrow.

RESOLUTIONS.

Mr. Smith offered the following preamble and resolution :

WHEREAS, As it appears that it is impossible to get through with the business on hand by the time agreed upon to adjourn ; for remedy whereof,

Resolved, That the House will meet at half past eight o'clock, A. M., and half past one o'clock, P. M., and at six o'clock, P. M., and sit till nine o'clock each night during the present session, for the purpose of acting on local matters.

On motion by Mr. Simonson,

Said proposed resolution was amended by striking out " 6 o'clock" and " 9 o'clock, wherever they occur ;

Then said resolution, as amended, was adopted.

Mr. Leslie offered for adoption the following preamble and resolution :

WHEREAS, The time has arrived, when the adoption of some efficient measures to rescue our State from the disgrace which will always rest upon "*practically repudiated public faith*," has become absolutely necessary ; and whereas, it is incumbent on an honest people to make every effort to meet their public obligations, and if they cannot be discharged to the full extent, it is equally incumbent that so much thereof as is within the ability of the people to pay, be discharged ; and, whereas, it is understood that the holders of Indiana internal improvement and Wabash and Erie canal bonds will accede to an adjustment upon the following terms, to-wit : compute the back interest at the rate of three per centum per annum on the whole amount of principal and interest due, and four years interest in advance at the same rate, to be funded, and new bonds issued therefor, payable at any time within the pleasure of the State, bearing three per cent. interest, commencing to run four years after date ; and whereas, such an arrangement can be successfully carried into effect, the present domestic debt discharged and the ordinary expenses of

the State be defrayed, by an assessment of twenty-five cents upon every one hundred dollars worth of taxable property, and seventy-five cents upon each poll; and, whereas, the payment of such an assessment *is* within the ability of the people of Indiana to promptly pay; therefore,

Resolved, That it is proper and expedient that such adjustment of our indebtedness be made, and that a select committee be instructed to report a bill providing for such assessment of taxation, as is above anticipated, and to insert in the details of said bill, such provisions as are calculated to carry into effect said adjustment.

Mr. Handy moved to lay said resolution on the table.

Mr. Tingley moved a call of the House;

Which prevailed.

When it appeared that the absentees were Messrs. Brown, Lewis of Dearborn, and Walker; who were,

On motion,

Excused on account of indisposition.

The further call was then suspended.

The question recurred on the motion of Mr. Handy to lay on the table;

And the ayes and noes having been demanded by Messrs. Handy and Whight,

Those who voted in the affirmative are,

Messrs. Anthony, Bradley, Bruce, Byers, Colms, Cowen, Darrow, Davis, Duzan, Endicott, Ford, Fuller, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Lanius, Legg, Lewis of Wayne, McAllister, McClure of Knox, McClure of Scott, Manville, Matlock, Montgomery, Mooney, Nimmon, Palmer, Peek, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shively, Simonson, Snook, Tague, Tomlinson, Turman, Wills, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—64.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Brecount, Claypool, Conduit, Conner, Foresman, Fry, Gregory, Grubbs, Hinchman, Huckaby, Leslie, Little, McGauhey, Miller, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Vandever, Wilson, and Wolf—33.

So said resolution was ordered to lie on the table.

Mr. Bradley offered for adoption the following preamble and resolution:

WHEREAS, The amount of business now on the files renders it out of the power of this House to adjourn at the time now fixed,

without leaving much business of importance to the State and individuals unfinished, therefore,

Resolved, That the House will, the Senate concurring therein, postpone the adjournment until Monday, January 20th inst.

Mr. Whight moved to lay said preamble and resolution on the table;

And the ayes and noes having been demanded by Messrs. Simonson and Handy,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Bruce, Byers, Claypool, Colms, Conduit, Conner, Cowen, Davis, Duzan, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Legg, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, Manville, Matlock, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Palmer, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Simonson, Smith, Snook, Tague, Tingley, Tomlinson, Turman, Vandever, Whight, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—77.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Bradley, Gregory, Huckaby, Jamison, Kerr, McGauhey, Osborn, Peek, Stapp, Stophlet, and Sullivan—13.
So said resolution was ordered to lie on the table.

Mr. Gregory offered for adoption the following resolution:

Resolved, That this House will at 2 o'clock, P. M. of each day, proceed to the orders of the day; and every morning, after the reading of the journal, proceed with the regular order, commencing where they left off on the previous day.

Mr. Simonson moved to amend by adding the following:

“And that no new business will be received after Thursday next.”

Mr. Huckaby moved to lay the resolution and proposed amendment on the table;

Which was not agreed to. Then

Mr. Gregory, the mover of said resolution, accepted the proposed amendment of Mr. Simonson.

The resolution, as amended, was then adopted.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have adopted, upon this day, a preamble and resolution in the following words:

"WHEREAS, By the 79th section of chapter 6, of the Revised Statutes of 1843, it is enjoined upon the General Assembly to elect a State Librarian tri-ennially, counting from the month of January, 1841, and said office should not be allowed to remain under any other authority by our omission of duty, therefore,

Resolved, That the Senate will, on to-morrow, (Tuesday, the 7th inst.,) if the House of Representatives concur herein, proceed, at 10 o'clock, A. M., in joint meeting, to the election of a State Librarian according to law, said election to be conducted and regulated in the usual mode.

On motion,

The above preamble and resolution was reciprocated by the House.

Ordered, That the clerk inform the Senate thereof.

JOINT RESOLUTIONS.

Mr. Wright of Switzerland introduced

No. 341. A joint resolution appointing George W. Lane, examiner of the Auditor's office;

Which was read a first time, and passed to a second reading on to-morrow.

By Mr. Herod,

No. 342. A joint resolution for the relief of the heirs of Henry Martin;

By Mr. Stophlet,

No. 343. A joint resolution in relation to interest on Wabash and Erie canal lands east of Tippecanoe;

By Mr. Shively,

No. 344. A joint resolution relative to the abolition of slavery in the District of Columbia;

Which were severally read a first time, and ordered to a second reading.

INTRODUCTION OF BILLS.

By Mr. Nutter,

No. 345. A bill to amend an act entitled, an act to incorporate the College Corner and the Liberty and Abington Turnpike Company, approved January 15, 1844;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Nimmon,

No. 346. A bill to incorporate the Lagrange Phalanx;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on corporations, together with a remonstrance heretofore presented on that subject.

By Mr. Blakemore,

No. 347. A bill to revise an act entitled, "An act to incorporate the City of Logansport," approved February 17, 1838;

Which was read a first and second times, the rules being suspended therefor, and, with a petition on that subject, was referred to the committee on corporations.

By Mr. Robinson of Carroll,

No. 348. A bill to locate a State road in Miami, Richardville and Tipton counties, and also, to locate a State road in Richardville and Clinton counties;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Colms,

No. 349. A bill to revive an act therein named;

By Mr. Tingley,

No. 350. A bill providing for funding the principal and interest of the internal improvement debt of Indiana, and payment of the same;

By Mr. Pettit,

No. 351. A bill to repeal an act entitled, "An act for the relief of the Miami and other Indians," and also the three sections of chapter 28, of the Revised Statutes;

Which were severally read a first time, and ordered to a second reading.

By Mr. Conduit,

No. 352. A bill to amend the 5th article of the 12th chapter of the Revised Statutes, 1843, so far as relates to the county of Morgan;

Which was read a first time and ordered to a second reading.

By Mr. Osborn,

No. 353. A bill in relation to the expenses of the school fund in Laporte county;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on education.

By Mr. Conner,

No. 354. A bill to authorize William Conner and John D. Stephenson to erect a mill dam across White river in Hamilton county;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Foresman,

No. 355. A bill to provide for the incorporation of the town of Lafayette in Tippecanoe county;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Ford,

No. 356. A bill to compel speculators to pay a road tax equal to that paid by actual settlers in the county of Randolph;

By Mr. Kerr,

No. 357. A bill defining the duty of petitioners for the formation of new counties;

By Mr. Huey,

No. 358. A bill for the relief of Ebenezer A. Goddard of Adams county;

By Mr. Pettit,

No. 360. A bill to amend an act entitled an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844;

Which were severally read a first time and ordered to a second reading.

By Mr. Blakemore,

No. 359. A bill for the relief of purchasers of certain canal lands lying in the county of Cass;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on claims, together with a petition which had been heretofore presented on that subject.

By Mr. Kelley,

No. 361. A bill to repeal an act entitled an act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as relates to the counties of Washington and Jackson, approved January 5th, 1844, so far as relates to the county of Washington;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Ford,

No. 362. A bill for the relief of purchasers of school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, of Monroe county;

By Mr. Pomeroy,

No. 365. A bill limiting the fees of Auditor in the county of Marshall;

By the same,

No. 366. A bill to legalize certain acts of masters in chancery in the counties of Fulton, Marshall, and Laporte, and for other purposes;

Which were severally read a first time and ordered to a second reading.

By Mr. Hardin,

No. 363. A bill to amend an act entitled an act to establish an asylum for the deaf and dumb persons in the State of Indiana;

Which was read a first and second times, the rules being suspended therefor, and referred to the committee on education.

By Mr. Wills,

No. 364. A bill to enable the county board of Putnam county to make a compromise with the collector of taxes for 1840;

Which was read a first and second times, the rules being suspend-

ed therefor, and ordered to be engrossed for a third reading on to-morrow.

The following message was received from the Senate, by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill thereof as follows:

No. 121. An act to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars; In which I am directed to ask, respectfully, the concurrence of this House.

Bill of the Senate,

No. 121, in said message mentioned,

Was read a first time, and ordered to a second reading.

On motion by Mr. Colms,

The House adjourned until to-morrow morning at half past eight o'clock.

TUESDAY MORNING, JANUARY 7, 1845.

The House met pursuant to adjournment.

The House proceeded to the introduction of bills, as per order.

Mr. Brown introduced

No. 367. A bill to incorporate the Mill Town Bridge Company;

Mr. Byers introduced,

No. 368. A bill allowing additional compensation to the auditor of Monroe county;

Mr. Wright of Switzerland introduced

No. 371. A bill to revive the seventh section, chapter eleventh, of the Revised Statutes;

Which were severally read the first time, and passed to a second reading on to-morrow.

Mr. McClure of Scott introduced

No. 369. A bill to repeal an act entitled, an act to change the mode of doing county business in the county of Scott;

Mr. Manville introduced,

No. 370. A bill to amend an act entitled, "an act for the relief of David D. Weddle of Brown county, approved January 13, 1844;"

Mr. Pettit introduced

No. 373. A bill to amend an act entitled, "an act to incorporate the Wabash Bridge Company ;"

Which were each read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pettit introduced

No. 374. A bill concerning releases ;

Which was read the first and second times, the rules being suspended therefor, and referred to the judiciary committee.

Mr. Rose introduced

No. 375. A bill to amend an act entitled, an act changing the mode of doing county business in the county of Clay, approved January 17, 1842.

Mr. Blakemore introduced

No. 377. A bill to amend an act entitled an act to incorporate the city of Logansport, approved February 17, 1838, and for other purposes.

Mr. Pettit introduced

No. 378. A bill in relation to fees of recorder and auditor in Wabash county ;

Which were read three several times, the rules being suspended, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Blakemore introduced

No. 376. A bill explanatory of an act entitled, "an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands," approved January 13, 1844 ;

Which was read a first time, and ordered to a second reading.

The following message was received from his Excellency, the Governor, by Mr. Kinder, his Private Secretary :

MR. SPEAKER :

I am authorized by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed the following acts :

No. 35. An act to repeal the Posey county road law ;

No. 2. An act providing for the loaning of the school funds of Clay and Posey counties ;

No. 42. An act to repeal a certain act therein named, so far as it relates to the county of Pike ;

No. 77. An act to amend an act providing for the loaning of the school funds of Vigo county, approved January 13, 1844 ;

No. 143. An act for the relief of the President and Trustees of the town of Greencastle, and for other purposes ;

No. 152. An act to incorporate the Newcastle band of musicians ;

No. 148. An act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

No. 24. An act to amend an act entitled, "an act abolishing docket fees, dispensing with final records in certain cases," approved January 28, 1843;

No. 19. An act to legalize the official acts of James Blair and Stearns Fisher, former commissioners of the Wabash and Erie canal;

No. 13. An act supplemental to an act entitled, an act to change a State road in Sullivan county, approved January 13, 1844;

No. 11. An act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe counties, and of the saline lands;

No. 4. An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of Library Trustees in their respective counties, and for other purposes;

All of which originated in the House of Representatives.

The order of business having first been suspended for that purpose, Mr. Herod, Chairman of the committee on Ways and Means, made the following report:

MR. SPEAKER:

The committee of ways and means, in pursuance of the duty imposed upon them by law and the usages of the State, to examine into and report the present and prospective state of the finances, and also the condition of the offices of Auditor of Public Accounts and Treasurer of State, have, so far as time and the necessary attendance upon other legislative business would permit, performed that duty, and now make the following report:

The present condition of the Treasury, destitute as it is, virtually, of all means to meet the demands upon it for the current year, seems to present but a gloomy prospect for the successful operation of our State government during the trying crisis of the present fiscal year. The practice of raising means for the current necessities, upon the credit of the State, whether by direct loans, or in the more insidious form of issuing treasury notes, which is, indeed, nothing else than a loan in disguise, is to be deprecated, as much as the necessity is to be regretted, which introduced into our financial operations a resort to either. If you raise means for the current year by an issue of treasury notes, they will more or less depreciate, a necessary consequence of which is, that the next year's revenue brings them back into the Treasury, and the Legislature is again driven to resort to a similar issue, or other temporary means, which leaves the Treasury at the close of each fiscal year but little improved in condition by the issue of these treasury notes, to say nothing of the injurious effects of a depreciated currency upon the business and industry of

the country. The same may justly be said of a loan, except as to its effect upon business and labor. To borrow money to pay State creditors, only changes our creditors; it does not diminish our indebtedness. These considerations have induced your committee to seek, if possible, to avoid either a loan, or an increase of the circulation of treasury notes, by an issue thereof to defray the ordinary expenditures of the State government.

To this end your committee have availed themselves of the best means of information within their power relative to the probable proportion of the revenue of 1844, which will be paid into the Treasury in current funds, and your committee are happy to express the opinion that perhaps one-third of the amount will be paid in par funds, which, if realized, will be amply sufficient to defray the ordinary expenses, and keep the machinery of government in motion during the fiscal year. It is believed that this course will rapidly tend to produce health and stability in our revenue, and hasten that most desirable consummation, the final payment of our domestic indebtedness. Should the anticipations of your committee be realized, and par funds received in the revenue of 1844, be more than sufficient to meet the ordinary expenses of government, the residue should, in their opinion, be applied to the bank loan, and they have introduced a provision for that purpose in a bill herewith submitted. It will be seen that your committee propose no means for replacing the trust funds at the present time, as the interest is all that is generally lawful to be used, and it is believed that the whole may, at no distant day, be replaced without materially increasing the present rate of taxation, which your committee think it would be impolitic to do at this embarrassing period in our financial affairs. The issue of treasury notes of 1840 bearing six per cent. interest will, in the month of April and other months in this year respectively, in which the several issues were made, amount to six dollars and fifty cents each, principal and interest. There is no other purpose to which they are applicable in which interest is allowed, except revenue, and in that way they are absorbed but slowly. It has been suggested by the Treasurer of State, that a large amount of these notes could be taken up in exchange for treasury notes bearing an interest of but one quarter of one per cent., allowing interest upon the six per cents, up to the time of the exchange: this would be exchanging on our part evidences of debt, bearing one quarter of one per cent. interest, for those bearing six per cent., and would certainly be a great saving to the State by stopping the accumulation of interest. This operation is too plain to require any example or demonstration of the truth of the proposition. The only remaining enquiry then, is, will this proposed exchange, if carried into operation, depreciate the quarter of one per cent. notes in a greater proportion than the six per cents, allowing for the difference of interest, or adding the interest to the principal of the six per cent. notes?

Now bearing in mind that the amount put out, draws in by the

exchange an equal amount, diminishing the accruing interest from six to one quarter of one per cent., and not in any wise increasing the amount in circulation; it seems difficult to see any cause why an unequal depreciation should follow. The committee have for the reasons aforesaid, reported a bill authorizing the Treasurer to make such exchange. Your committee, taking the Auditor's estimate of \$232,000 as the amount of revenue for 1844, think it not extravagant to estimate the revenue of 1845 at \$240,000, with the continuance of the same rate of taxation. They deem it unnecessary to increase the present rate of taxation: they, therefore, recommend that the same tax be levied as was last year.

Your committee have carefully examined the offices of Auditor of public accounts and Treasurer of State, and they take great pleasure in saying that they found the books and papers of each of said offices in good order and condition, and that every facility was rendered your committee, in their examination, by both the gentlemanly officers.

The following schedule shows the receipts and expenditures, in detail, from the first of November, 1843, to the 31st October, 1844, being the end of the fiscal year:

SCHEDULE A,

*Showing the Receipts and Expenditures at the State Treasury, from
1st November, 1843, to the 31st October, 1844.*

GENERAL REVENUE.

The amount of Revenue remaining in the Treasury on the 1st day of November, 1843, provided all warrants audited prior to that date were paid, was	-	\$370,145	94
The amount received on account of Revenue of 1844,		391	78
The amount collected and paid in, on account of assessments on property and polls for 1843,	- -	208,015	86
The amount paid by the State Bank, on account of tax for 1843,	- - - - -	4,182	84
The amount paid by the State Bank, on account of tax for 1841,	- - - - -	3,291	55
The amount paid by the State Bank, on account of tax for 1842,	- - - - -	218	31
From arrears of Revenue for 1842,	- - - -	25,071	09
" " " 1841,	- - - -	7,362	41
" " " 1840,	- - - -	51	57
" " " 1839,	- - - -	332	64
" " " 1837,	- - - -	2	82
" " " 1832,	- - - -		20

From Sales of Indianapolis Lots, (Principal,) - -	126 14
“ “ “ “ (Interest,) - -	8 19
Amount of Loan from the State Bank, under the act of January 15, 1844, - - - - -	56,000 00
Amount paid by Administrators of Estates, without Known Heirs, - - - - -	189 66
Loans of Bank Tax Fund refunded, - - -	490 00
Interest received on account of loans of Bank Tax Fund, - - - - -	584 81
Amount received on account of costs of advertising sales of lands mortgaged to Bank Tax Fund, -	3 50
Amount of Bank Tax Fund received from State Bank under 15th section of Bank Charter, - - -	2,600 00
Amount of dividend on Bank Tax Fund, invested in Bank Stock, (Evansville Branch,) - - -	19 80
Amount of Congressional Township Fund in the Treasury at the date of the transfer of the Books of that fund to the Auditor's office, (Jan. 1, 1844.)	71 35
Loans of Congressional Township Fund, refunded,	90 44
Interest received on account of loans of Congressional Township Fund, - - - - -	32 56
Loans of Treasury Fund refunded, - - -	690 00
Interest received on account of loans of Treasury Fund, - - - - -	67 45
Amount of Three per cent. Fund in the Treasury at the date of the transfer of the books of that fund to the Auditor's office, (Jan. 1st, 1844,) - -	8,819 09
Amount received on account of sales of Michigan road lands, - - - - -	149 62
Amount received on account of sales of Dillon's His- tory of Indiana, - - - - -	12 00
Amount received on account of sales of Revised Stat- utes of 1843, - - - - -	226 09
Amount paid on account of incidental receipts, -	28 37
Amount received from Commissioner of University Township in Monroe, - - - - -	2,701 96
Amount received from Commissioner of University Township in Gibson, - - - - -	300 16
Amount received from Commissioners of Saline lands in Washington and Orange as principal, - -	1,584 35
Amount received from Commissioners of Saline lands in Washington and Orange as interest, - -	727 19
Loans of University Funds refunded, - - -	3,068 13
Interest received on account of loans of University Fund, - - - - -	3,180 24
Amount received on account of costs of advertising sales of lands mortgaged to University Fund, -	22 75
Loans of Saline Fund refunded, - - - -	2,583 78

Interest received on account of loans of Saline Fund,	2,079 18
Amount received on account of costs of advertising sales of lands mortgaged to Saline Fund, - -	10 50
Amount of Surplus Revenue Fund in the Treasury at the date of the transfer of the books of that fund to Auditor's office, (Jan. 1st, 1844,) - - - -	138 35
Interest received on account of loans of Surplus Revenue Fund, - - - - -	282 25
Amount received on account of costs of advertising sales of lands mortgaged to Surplus Revenue Fund,	23 38
Amount of Bank Tax Fund in the Treasury at the date of the transfer of the books of that fund to the Auditor's office, (January 1st, 1844,) - -	946 25
Amount received on account of Common School Fund derived from Bank dividends, - - - -	77,062 51
Amount received on account of damages on sales of land mortgaged to University Fund, - -	83 25
Amount received on account of premium on Eastern Drafts, (being 2 per cent. deducted from warrants paid at the Treasury,) - - - - -	635 33
Total Receipts from General Revenue, - -	<u>\$784,705 64</u>

RECEIPTS ON ACCOUNT OF INTERNAL IMPROVEMENT FUND.

Amount received on account of sales of Wabash and Erie Canal lands, East of Tippecanoe, (interest,) -	\$95 04
Amount received on account of sales of Wabash and Erie Canal lands, West of Tippecanoe, - -	141,070 87
Amount received on account of Tolls and Water Rents on Wabash and Erie Canal, East of Tippecanoe, - - - - -	31,754 86
Amount received on account of Water Rents on Northern division of Central Canal, - - -	688 17
Amount received from Tolls on the Madison and Indianapolis Rail Road, - - - - -	689 16
Amount received on account of Tolls on New Albany and Vincennes Turnpike, - - - -	5,951 23
Amount received on account of Tolls on White Water Canal, - - - - -	5 00
Amount received on account of Lawrenceburgh and Indianapolis Rail Road Company, - - -	102,529 99
Amount of Scrip issued on account of Wabash and Erie Canal, East of Tippecanoe, - - - -	95,000 00
Amount of Scrip issued on account of Wabash and Erie Canal, West of Tippecanoe, - - -	170,000 00
Amount received on account of State Bonds, - -	4,161 25
Amount received on account of Compromise property,	69,231 36

Amount paid on account of incidental receipts of Fund Commissioner, - - - - -	908 01
Amount received from sales of Bank Stock derived from 4th instalment of Surplus Revenue, - -	437,450 00
Total receipts on account of Internal Improvements, \$1,059,534 94	
Add receipts from General Revenue, - - - -	784,705 64
Total receipts from November 1st, 1843, to October 31st, 1844, both days included, - - - -	<u><u>\$1,844,240 58</u></u>

GENERAL DISBURSEMENTS.

Amount audited on account of salaries of Executive officers, - - - - -	\$3,102 04
Amount audited on account of salaries of Supreme and Circuit Judges and Sheriff of Supreme Court,	17,883 40
Amount audited on account of salaries of prosecuting attorneys, - - - - -	1,693 40
Amount audited on account of salaries of adjutant and quarter-master generals, - - - -	227 12
Amount audited on account of public printing and distributing laws, - - - - -	15,834 13
Amount audited on account of stationery and fuel for Legislature and public offices, - - - -	12,959 15
Amount audited on account of Legislature, - -	25,112 62
Amount audited on account of probate judges, -	4,004 00
Amount audited on account of specific appropriations,	7,279 38
Amount audited on account of State Library, - -	382 56
Amount audited on account of State House, - -	1,447 89
Amount audited on account of State Prison, (convey- ing convicts,) - - - - -	1,417 88
Amount audited on account of new State Prison, -	3,500 00
Amount audited on account of revenue of 1839, re- funded, - - - - -	0 50
Amount audited on account of revenue of 1840, re- funded, - - - - -	127 81
Amount audited on account of revenue of 1841, re- funded, - - - - -	278 43
Amount audited on account of revenue of 1842, re- funded, - - - - -	818 65
Amount audited on account of revenue of 1843, re- funded, - - - - -	78 79
Amount audited on account of revenue of 1844, re- funded, - - - - -	32 73
Amount audited on account of three per cent. fund, -	289 68
Amount audited on account of salaries of professors in State University, - - - - -	4,462 50

Amount audited on account of loans made of University fund, - - - - -	1,085 00
Amount audited on account of loans made of saline fund, - - - - -	8,359 93
Amount audited on account of loans made of Bank Tax Fund, - - - - -	2,765 00
Amount audited on account of costs of advertising sales of land mortgaged to University fund, - - - - -	34 50
Amount audited on account of costs of advertising sales of land mortgaged to Saline Fund, - - - - -	13 50
Amount audited on account of costs of advertising sales of lands mortgaged to Bank Tax Fund, - - - - -	5 25
Amount audited on account of costs of advertising sales of lands mortgaged to surplus revenue fund, - - - - -	5 25
Amount audited on account of costs of advertising sales of land mortgaged to congressional township fund, - - - - -	0 75
Lands mortgaged to saline fund unsold for want of bidders (charged on the books before their transfer to auditor's office,) - - - - -	1,473 60
Lands mortgaged to Saline Fund unsold for want of bidders (charged as preceding item,) - - - - -	457 69
Amount audited on account of damages on sales of land mortgaged to University Fund, - - - - -	435 05
Amount audited on account of damages on sales of land mortgaged to Saline Fund, - - - - -	58 75
Amount audited on account of Deaf and Dumb Asylum, - - - - -	1,168 75
Amount audited on account of hypothecation of Treasury notes for Bank loan under act of January 15, 1844. - - - - -	67,868 74
Amount audited on account of interest paid in advance on Bank loan, - - - - -	6,720 00
Amount audited on account of exchange on loan from the Michigan City Branch, - - - - -	690 00
Amount audited on account of wolf scalps, - - - - -	2 00
Amount audited on account of Governor's House, - - - - -	638 62
Amount audited on account of contingent fund, - - - - -	1,386 54
Amount audited on account of expenses of State University, - - - - -	339 10
Amount audited on account of expenses of saline fund, - - - - -	388 72
Amount audited on account of surplus revenue interest (paid to Lake county,) - - - - -	75 00
Amount audited on account of proceeds of Revised Statutes of 1843, refunded, - - - - -	35 00
Amount audited on account of Michigan Road, - - - - -	116 66
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Total disbursements on account of general objects of expenditure, - - - - -	<u>\$195,056 06</u>

DISBURSEMENTS ON ACCOUNT OF INTERNAL IMPROVEMENT FUND.

Amount audited on account of construction of Wabash and Erie Canal, west of Tippecanoe, - -	\$215,959 03
Amount audited on account of repairs on Wabash and Erie Canal, west of Tippecanoe, - -	9,450 00
Amount audited on account of incidental expenses of Wabash and Erie Canal, west of Tippecanoe, -	8,588 16
Amount audited on account of incidental expenses of Wabash and Erie Canal, east of Tippecanoe, -	1,190 25
Amount audited on account of construction of New Albany and Vincennes road, - - - -	1,599 96
Amount audited on account of repairs on New Albany and Vincennes road, - - - -	4,012 81
Amount audited on account of incidental expenses of New Albany and Vincennes road, - - - -	338 46
Amount audited on account of incidental expenses of Cross Cut Canal, - - - - -	101 50
Amount audited on account of construction of Northern division central canal, - - - -	25 00
Amount audited on account of repairs on Northern division of central canal, - - - -	156 32
Amount audited on account of incidental expenses of Northern division of central canal, - - - -	323 40
Amount audited on account of incidental expenses of Lafayette and Indianapolis road, - - - -	1 20
Amount audited on account of contingencies applicable to the whole system of internal improvement, -	19 75
Amount audited on account of five per cent. Bank scrip, redeemed and cancelled, - - - -	91,990 00
Amount audited on account of interest on five per cent. Bank scrip, redeemed, - - - -	3,823 52
Amount audited on account of Wabash and Erie Canal scrip, east of Tippecanoe, redeemed and cancelled, - - - -	44,017 76
Amount audited on account of Wabash and Erie Canal scrip, east of Tippecanoe, redeemed, - -	3,887 82
Amount audited on account of Wabash and Erie Canal scrip, west of Tippecanoe, redeemed and cancelled, - - - - -	135,275 00
Amount audited on account of Treasury notes, redeemed and cancelled, - - - -	200,525 00
Amount audited on account of interest on Treasury notes, redeemed, - - - -	28,358 00
Amount audited on account of State bonds, redeemed and cancelled, - - - -	265,079 55
Amount audited on account of interest on State bonds redeemed and cancelled, - - - -	4,903 53

Amount audited on account of State bonds, redeemed by State Agent, - - - - -	47,000 00
Amount audited on account of incidental expenses of Madison and Indianapolis railroad, - - -	266 12
Amount audited on account of incidental expenses of State Agent, - - - - -	4,436 87
Amount audited on account of Jersey City property, - - - - -	600 00
Amount audited on account of incidental expenses of Lawrenceburgh and Indianapolis railroad, - -	35 81
Amount audited on account of bonds of the Lawrenceburgh and Indianapolis railroad company, redeemed and cancelled, - - - - -	182,975 00
Amount audited on account of incidental expenses of Treasury notes, - - - - -	256 68
Amount audited on account of compromise property, - - - - -	300 89
Amount audited on account of Morris Canal & Banking Company, - - - - -	100 00
Amount audited on account of Bank of Western New York, (taxes on Georgia lands,) - - -	1,012 85
Amount audited on account of payments by State Agent under joint resolution, - - - - -	23,683 77
Amount audited on account of interest on Wabash and Erie Canal lands, refunded, - - - - -	44 07
Amount audited on account of Wabash and Erie Canal scrip, east of Tippecanoe, refunded, - -	100 00
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Total disbursements on account of internal improvement, - - - - -	1,277,438 08
Add disbursements as above, - - - - -	195,056 06
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Total amount audited from the first day of November, 1843, to the 31st day of October, 1844, both days included, - - - - -	\$1,472,494 14
Total receipts as above, - - - - -	1,844,240 58
Total expenditures as above, - - - - -	<u>1,472,494 14</u>

Balance in the Treasury on the first day of November, 1844, provided all warrants audited prior to that date were paid, - - - - - \$371,746 44

The following schedule (B) will show the receipts and expenditures at the State Treasury, from the 1st day of November, 1844, to the 1st day of January, 1845 :

SCHEDULE B.

From November 1st, 1844, to January 1st, 1845.

RECEIPTS.

Balance in the Treasury November 1st, 1844, - -	\$371,746 44
Interest on loans of University Fund, - - -	864 84
Loans of University Fund refunded, - . -	1,307 05
Damages on sales of lands mortgaged to University Fund, - - - - -	115 93
Costs of advertising sales of lands mortgaged to University Fund, - - - - -	31 75
Principal of sales of Seminary lands in Gibson and Monroe, - - - - -	1,318 29
Interest on sales of Seminary lands in Gibson and Monroe, - - - - -	502 93
Interest on loans of Saline Fund, - - - - -	427 18
Damages on sales of lands mortgaged to Saline Fund, - - - - -	20 88
Costs of advertising sales of lands mortgaged to Saline Fund, - - - - -	10 00
Loans of Saline Fund refunded, - - - - -	100 00
From estates without heirs, - - - - -	57 75
Interest on loans of Bank Tax Fund, - - - - -	257 23
Costs of advertising sales of lands mortgaged to Bank Tax Fund, - - - - -	4 00
Interest on loans of Surplus Revenue Fund, - - - - -	130 53
Costs of advertising sales of lands mortgaged to Surplus Revenue Fund, - - - - -	4 00
Loans of Bank Tax Fund refunded, - - - - -	350 00
From water rents on Wabash and Erie canal, east, - - - - -	3,425 00
“ “ “ Central canal, - - - - -	115 00
Revenue of 1844 from State Bank, - - - - -	945 62
“ 1844 from counties, - - - - -	702 67
“ 1839, - - - - -	100 00
Secretary of State's fees, - - - - -	29 25
Common School Fund derived from Bank, - - - - -	27,666 81
Tolls on Wabash and Erie canal, east, - - - - -	16,345 00
Loans of Congressional Township Fund refunded, - - - - -	8 27
Sales of Wabash and Erie canal, east, (principal,) - - - - -	68,797 60
Interest on sales of Wabash and Erie canal lands, east, - - - - -	17,545 99
Total, - - - - -	<u>\$512,930 01</u>

EXPENDITURES.

Audited on account of Militia, - - - - -	\$25 00
“ “ Judiciary, - - - - -	1,200 00

Audited on account of Probate Judges, - - -	399 00
“ “ State Prison, - - -	311 25
“ “ Three per cent. Fund, - - -	193 12
Loans of University Fund, - - - - -	200 00
Audited on account of Prosecuting Attorneys, - -	412 87
Professors' salaries State University, - - -	1,000 00
Audited on account of Presidential election, - -	567 03
Interest paid to Congressional Township No. 10, -	127 73
Audited on account of State House, - - - -	74 31
Loans of Bank Tax Fund, - - - - -	800 00
Audited on account of Legislature, - - - -	9 00
Construction of Madison and Indianapolis Railroad, -	45 00
Construction of Wabash and Erie canal, east, - -	11,081 42
Repairs of do do do do - -	80,010 40
Damages on do do do do - -	810 95
Incidental expenses do do do do - -	2,641 67
Incidental expenses Wabash and Erie canal, west, -	7,716 51
Construction of New Albany and Vincennes road, -	10 78
Revenue of 1841 refunded, - - - - -	20 00
Contingent fund, - - - - -	27 88
Specific account, - - - - -	1,000 00

Total, - - - - -	<u>\$108,683 92</u>
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Receipts as above, - - - - -	\$512,930 01
Expenditures as above, - - - - -	<u>108,683 92</u>

Balance in the Treasury on the 1st day of January, 1845, provided all warrants have been redeemed, -	404,246 09
To the above add warrants outstanding on the 31st of October, 1844, - - - - -	97,923 46
Add warrants outstanding, issued since October 31st, -	8,887 82
Add over payment by Mr. Dunn, to meet his outstanding receipts, - - - - -	<u>80,227 32</u>

True amount in the Treasury, - - - - -	<u>\$591,284 69</u>
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This consists of cancelled scrip, -	\$306,102 41
Scrip reserved for hypothecation, -	5,000 00
Interest thereon, - - - - -	1,060 00
	<u>312,162 41</u>
Requisition to State Agent, - -	\$3,332 97
“ “ Basil Brown, - -	500 00
	<u>3,832 97</u>
Wabash and Erie canal scrip never paid out, - -	50,745 00
Wabash and Erie canal drafts paid since 1st November, - - - - -	<u>44,015 00</u>

Twelve State Bonds and Coupons, - - - -	13,650 00
Quarter per cent. Scrip never paid out, - - -	28,750 00
Scrip White Dog of Lucas, - - - -	69,442 10
Bank Scrip of Sinking Fund Commissioners, - -	27,666 81
Thirteen parcels Blue Dog and small lot of White Dog, Warrants outstanding 31st October, and redeemed since, - - - - -	25,167 00
Various payments from the Treasury as per vouchers not audited, - - - - -	964 38
Treasury notes with interest, - - 2,268 84	10,072 56
“ “ without interest, - 2,345 00	
	<hr/>
	4,613, 84
Cash, - - - - -	202 62
	<hr/>
	<u>\$591,284 69</u>

Of the foregoing balance in the Treasury on the 1st of January, 1845, your committee have counted, cancelled, and defaced of notes, scrip, and bonds, as follows:

Of Wabash and Erie Canal Scrip west of Tippecanoe, \$91,840 00	
Of Bank Scrip, including interest, - - - -	77,062 51
Of six per cent. Treasury Notes, including interest, -	137,199 90
Twelve State Bonds and Coupons, - - - -	13,650 00
	<hr/>
Total amount cancelled, - - - - -	<u>\$319,752 41</u>

It will be seen that the amount of six per cent. notes cancelled, does not come up to the amount estimated by the Auditor and Treasurer in their reports as being in the Treasury to be cancelled, by about \$6,060; the committee understand, however, from the Treasurer, that a package containing this amount was reserved to be hypothecated to the Bank, but which was not done, and the package is now in the Treasury, but not being cancelled upon the books it was thought best to defer the defacing of it until next winter.

Your committee have endeavored to ascertain, as accurately as possible, the length of time it will take, with the present rate of taxation, and after first paying the ordinary expenses of the government, to discharge our entire domestic indebtedness, and the following estimates, marked C and D, will give the result of their deliberations. It will be seen by reference to these tables that the committee have estimated the annual increase of the revenue at \$10,000, which will at least be a safe calculation, and will probably be less than the actual increase. It will also be observed that no allowance is made for the decrease of interest which would be occasioned by an exchange of quarter per cent. Treasury notes for outstanding six per cent. Treasury notes. Should the measure heretofore, in this report recom-

mended, be adopted by the Legislature, it would materially check the accumulation of interest against us, and would hasten our release from the thralldom of State indebtedness. A marked difference exists, it will be seen, between this report and the last annual report of the committee of ways and means, as to the length of time required to discharge our domestic indebtedness. They estimate that \$80,000 per year of that indebtedness will be absorbed by the sinking fund; the present committee deem that estimate without proper foundation, as it would be a mere change of creditors, the State still being responsible for the same to the common school fund. The only difference between tables C and D is, that table C supposes that the law relative to tolls and water rents on the Wabash and Erie canal will remain as it now is, table D supposes the present law will be repealed, and that tolls and water rents will be received in par funds. It is estimated that the receipts from this source alone will average \$100,000 per year, and should that sum be paid into the State Treasury in par funds, and the lands be relied upon to finish the canal, it will of itself not only pay the ordinary expenses of the State, but will leave a surplus of that fund and the entire revenue, to be applied to the discharge of the State debt, which is now so fearfully hanging over the industry and business of the country. Your committee are satisfied that, as the law now stands, the people of the whole State are taxed for the prosecution of the works upon that canal, and they consequently submit the question to the decision of the Legislature.

EXHIBIT C.

A calculation for paying off our domestic debt by the 1st of January, 1853.

The domestic debt, on the 1st of January, 1845, is as follows, to-wit:

Six per cent. Treasury notes outstanding, - - -	\$677,000
Interest on the same, - - - - -	176,770
Five per cent. notes, or Bank Scrip, - - -	513,000
Interest on the same, - - - - -	66,262
Quarter of one per cent. Treasury notes, - - -	39,000
Bank debt, (late loan,) - - - - -	56,000
	<hr/>
Whole domestic debt, - - - - -	\$1,528,032
Deduct the surplus of the revenue of 1844, after paying the ordinary State expenses, say \$70,000, -	162,000
	<hr/>
	\$1,366,032

Add one year's interest, except on Bank loan which is paid in advance, - - - - -	78,601
Amount due 1st January, 1846, - - - -	\$1,287,431
Deduct revenue of 1845 applicable, - - - -	172,000
	<hr/>
	\$1,115,431
Interest one year is, - - - - -	66,925
	<hr/>
Amount due 1st January, 1847, - - - -	\$1,182,356
Deduct revenue of 1846 applicable - - - -	182,000
	<hr/>
	\$1,000,356
Interest for one year - - - - -	60,021
	<hr/>
Amount due January 1st, 1848, - - - -	\$1,060,377
Deduct revenue of 1847 applicable - - - -	192,000
	<hr/>
	\$868,000
Add interest for one year - - - - -	52,102
	<hr/>
Amount due January 1st, 1849, - - - -	\$920,479
Deduct revenue for 1848 applicable - - - -	202,000
	<hr/>
	\$718,479
Add interest for one year - - - - -	43,108
	<hr/>
Amount due 1st January, 1850, - - - -	\$761,587
Deduct the revenue of 1849 applicable - - - -	212,000
	<hr/>
	\$549,000
Add the interest for one year - - - - -	32,975
	<hr/>
Amount due January 1st, 1851, - - - -	\$582,562
Deduct the revenue of 1850 applicable - - - -	222,000
	<hr/>
	\$360,562
Add interest for one year - - - - -	21,633
	<hr/>
Amount due 1st January, 1852, - - - -	\$382,195
Deduct revenue of 1851 applicable - - - -	232,000
	<hr/>
	\$150,195
Interest for one year - - - - -	9,011
	<hr/>
Amount due 1st January, 1853, - - - -	\$159,206

Revenue of 1852 applicable	242,000
Which will leave in the Treasury on the 1st January, 1853, after the payment of the ordinary expenses of the State and our domestic indebtedness, the sum of	<u>\$82,794</u>

EXHIBIT D.

A calculation for paying off the domestic debt by the 1st January, 1849.

Domestic indebtedness (as in exhibit C)	\$1,287,431
Deduct the revenue of 1844, including tolls and water rents on Wabash and Erie Canal, after paying State expenses,	272,000
	<u>\$1,015,431</u>
Add interest for one year, except on Bank loan, which is paid in advance,	57,566
	<u>\$1,072,997</u>
Amount due January 1st, 1846,	282,000
Deduct the revenue 1845 as above,	<u>\$790,997</u>
	47,460
	<u>\$838,457</u>
Amount due January 1st, 1847,	292,000
Deduct revenue of 1846,	<u>\$546,457</u>
	32,727
	<u>\$579,184</u>
Amount due 1st January, 1848,	302,000
Deduct revenue 1847	<u>\$277,184</u>
	16,631
	<u>\$293,815</u>
Amount due on January 1st, 1849,	312,000
Revenue of 1848,	<u>\$18,185</u>
Which will leave in the Treasury, on the 1st January, 1849, after the payment of the expenses of the State and our domestic indebtedness, the sum of	

The following exhibit it is believed contains a correct statement of our foreign, or funded debt:

EXHIBIT E.

On account of Wabash and Erie canal, - - -	\$1,727,000
Internal Improvements, (proper,) - - -	8,900,000
Bank, - - - - -	2,413,000
Madison and Indianapolis Rail Road, - - -	456,000
Lawrenceburgh and Indianapolis Rail Road, - -	221,000
Surplus Revenue, - - - - -	294,000
Interest, and to redeem Treasury Notes, - - -	1,100,000
	<u>\$15,111,000</u>

Of these there have been redeemed and cancelled in bonds, - - - -	\$1,829,000	
There were cancelled without being put into circulation of the \$1,100,000, being seven per cent. bonds, - -	1,064,000	
		<u>2,893,000</u>
Outstanding, - - - - -		\$12,218,000
Of these the Bank regularly pays the interest on - - - - -		1,390,000
		<u>\$10,828,000</u>
Leaving - - - - -		

On which no interest is paid, and no provision is now, or can at this time be, made for its payment.

Of this sum, \$100,000 bears six per cent. interest;	
\$10,692,000 five per cent. interest, and \$36,000	
seven per cent. interest. The annual interest, therefore, on the funded debt, (exclusive of what is paid by the Bank,) is, on \$100,000 at six per cent., -	\$6,000
\$360,000 at seven per cent., - - - - -	2,520
\$10,692,000 at five per cent., - - - - -	534,600
	<u>\$543,120</u>
Total, - - - - -	

The committee herewith report a bill making general appropriations for the year 1845, based upon the estimated expenses for the current year, as contained in the following exhibit:

EXHIBIT F.

Estimate of the ordinary expenditures for the year 1845.

Indiana Legislature, - - - - -	\$25,000
Executive officers, - - - - -	4,300
Supreme and Circuit Judges, and Sheriff of Supreme Court, - - - - -	15,300
Prosecuting Attorneys, - - - - -	1,850
State Prison, (conveying convicts,) - - - - -	1,600
Specific Appropriations, - - - - -	5,000
Contingent expenses of Governor, - - - - -	1,000
Probate Judges, - - - - -	3,500
Public printing and distributing laws, - - - - -	7,000
Stationery for printing and public offices, - - - - -	2,000
Salaries of Adjutant and Quarter Master Generals, - - - - -	200
State Library, (including Librarian's salary,) - - - - -	500
Deaf and Dumb Asylum, - - - - -	700
	<hr/>
	<u>\$67,950</u>

All of which is respectfully submitted.

WILLIAM HEROD,
THOMAS M. SMITH,
ALVAN T. WHIGHT,
T. T. WRIGHT,
FREDERICK LESLIE,
S. H. COLMS,
JOEL VANDEVEER.

Which report was,

On motion,

Laid on the table, and one thousand copies thereof ordered to be printed for the use of this House.

The committee on ways and means through Mr. Herod, their chairman, also reported the following bills :

No. 379. A bill making general appropriations for the year 1845 ;

No. 380. A bill to raise revenue for State purposes ;

No. 381. A bill to prevent the accumulation of interest upon treasury notes, and to provide for the payment of demands upon the treasury ;

Which were severally read a first and second times, the rules being suspended therefor, and referred to a committee of the whole House, and made the special order for to-morrow.

Mr. Herod made the following report, having obtained leave therefor :

MR. SPEAKER :

The committee on ways and means to which was referred the bill of this House No. 289, have had the same under consideration, and have directed me to report the same back to the House and recommend that said bill be laid on the table, and ask to be discharged from the further consideration of the same.

No. 289. A bill to provide for the current expenses of the State for the year 1845.

The House refused to lay said bill upon the table.

Mr. Rich moved that the bill be indefinitely postponed.

And the ayes and noes having been demanded by Messrs. Rich and Whight,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Boardman, Bradley, Byers, Claypool, Colms, Conduit, Conner, Ford, Garrett, Grubbs, Hambrick, Hardin, Hauser, Hazelrigg, Herod, Heustis, Hodges, Hostetter, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lan-
 ius, Legg, Leslie, Lewis of Wayne, Little, Manville, Matlock, Miller, Nutter, Palmer, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Simonson, Smith, Snook, Stophlet, Tague, Tomlinson, Vandever, Wills, Whight, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—56.

Those who voted in the negative are,

Messrs. Bell, Brecount, Brown, Bruce, Davis, Duzan, Foresman, Fry, Gregory, Handy, Hannah, Helwig, Hill, Hinchman, Kerr, Lewis of Dearborn, McAllister, McClure of Knox, McGauhey, Mooney, Osborn, Peek, Pettit, Shanks, Shively, Stapp, Sullivan, Tingley, and Turman—30.

So the bill was indefinitely postponed.

The following message was received from the Senate, by Mr. Otto, their Principal Secretary:

MR. SPEAKER :

The Senate have passed without amendment, engrossed bills of the House of Representatives of the following titles, to-wit:

No. 32. An act to abolish the office of county auditor in the county of Tipton;

No. 37. An act legalizing certain proceedings had in the office of school commissioner in the county of Marshall;

No. 68. An act to vacate an alley in the town of Pittsburgh, Carroll county;

No. 73. An act to authorize Gustavus A. Rose and others, to file their petition before the board of county commissioners of Laporte county ;

No. 101. An act to change the mode of doing county business in the county of Crawford ;

No. 108. An act to amend an act for the protection of wild fruit growing on public lands ;

No. 112. An act regulating elections of supervisors of roads and highways in the counties of De Kalb and Steuben ;

No. 118. An act legalizing special sessions of the board of county commissioners in the county of Daviess ;

No. 129. An act to change the name of Anna Maria Schmoll ;

No. 290. An act to legalize the acts of John Hardin, a justice of the peace of Hamilton county ;

No. 291. An act for summoning grand and petit jurors for the counties of Madison and Hancock, and fixing their fees ;

No. 303. An act to authorize the leveeing of Blue river in Shelby county ;

Also, an engrossed joint resolution of the House,

No. 97. A joint resolution on the subject of the Cumberland road and harbor at Michigan city ;

The Senate refuse to concur in the amendment of the House of Representatives to an engrossed bill of the Senate,

No. 72. An act to attach additional territory to the county of Ohio, and for other purposes ;

Mr. Bradley moved that the House recede from its amendment to bill No 72 of the Senate in said message mentioned,

And before any action was had on the motion,

Mr. Tingley obtained leave to introduce the following resolution :

Resolved, That the Senate be invited to attend instanter in the Hall of the House of Representatives, to proceed in joint convention to the election of a State Librarian, and that seats be prepared for them on the right of the Speaker's chair.

Which was adopted.

Ordered, That the Clerk inform the Senate thereof.

Mr. Matlock obtained leave to introduce

No. 382. A bill to extend the time for the payment of taxes in Hendricks county ;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was amended by extending the provision thereof to the county of Wayne.

Then the same was ordered to be engrossed for a third reading on to-morrow.

The Senate then came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair, and the

President of the Senate on the right of the Speaker, and proceeded by vote, *viva voce*, to the election of a State Librarian, and on the first vote,

Those who voted for John B. Dillon are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, Wood, Anthony, Barclay, Bradley, Brown, Byers, Cowen, Davis, Duzan, Endicott, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lanius, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Osborn, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Stophlet, Tague, Turman, Vandever, Whight, and Wright of Switzerland—73.

Those who voted for R. C. Allison are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Todd, Bell, Blakemore, Boardman, Bruce, Colms, Conduit, Conner, Foresman, Gregory, Grubbs, Hambrick, Hazelrigg, Hinchman, Hostetter, Jamison, Kerr, Legg, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Stapp, Sullivan, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—66.

Those who voted for Mr. Blackledge are,

Messrs. Brecount and Leslie—2.

Those who voted for Mr. Douglass are,

Messrs. Claypool, Herod, Huckaby, and Wilson—4.

Those who voted for Mr. Nowland are,

Messrs. Rosseau and Smith—2.

For Mr. Loudon,

Mr. Garrett—1.

No person having received a majority of all the votes given, both Houses proceeded in like manner to the second vote, which resulted as follows:

Those who voted for John B. Dillon are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of La-porte, Coffin, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Read, Reyburn, Rippey, Ritchey, Rockhill, Tannehill, Wood, Anthony, Barclay, Bell, Bradley, Brecount, Brown, Byers, Claypool, Conner, Cowen, Davis, Duzan, (of the House,) Endicott, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, John R. Jones of Fountain, Kelley, Lanius, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Osborn, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Sullivan, Tague, Turman, Vanderveer, Whight, Wilson, and Wright of Switzerland—85.

Those who voted for R. C. Allison are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, Todd, Blakemore, Boardman, Bruce, Colms, Conduit, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Stapp, Stophlet, Tingley, Tomlinson, Wills, Wolf, Wright of Wayne, and Mr. Speaker—60.

Those who voted for Mr. Martin are,

Messrs. Chapman of Davis and Martin, and Rosseau—2.

John B. Dillon having received a majority of all the votes given, the President of the Senate, in the presence of both Houses, declared him duly elected State Librarian for the State of Indiana, to serve as such for the term of — years, from and after the expiration of the term of service of the present incumbent.

The President of the Senate then adjourned the convention *sine die*.

The Senate then retired to their Chamber.

The House then resumed the consideration of the motion made by Mr. Bradley, to recede from the amendment of the House to bill of the Senate No. 72, in the last message mentioned;

And the question being on that motion,
The ayes and noes having been demanded by Messrs. Bradley and Lanius,

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Bradley, Brecount, Brown, Byers, Colms, Davis, Duzan, Endicott, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hodges, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lanius, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Rosseau, Shanks, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Tague, Turman, Vandever, Wills, Whight, and Wright of Switzerland—55.

Those who voted in the negative are,

Messrs. Barclay, Bell, Boardman, Claypool, Conduit, Conner, Ford, Fry, Grubbs, Hambrick, Hazelrigg, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nutter, Odell, Parker, Rich, Robinson of Decatur, Sullivan, Tomlinson, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—35.

So the House receded from its amendment.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate have passed engrossed bill thereof

No. 182. A bill to provide for procuring a suitable site for the erection of a State lunatic asylum.

In which the concurrence of the House is respectfully requested.

No. 182 in the above message mentioned,

Was read the first and second times, the rules being suspended therefor, and ordered to a third reading on to-morrow.

The following message also was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill of the House of Representatives, without amendment, entitled as follows:

No. 310. An act amendatory to an act for the relief of the secu-

rities of Wm. H. Darnell, former school commissioner of Hendricks county.

The following message was also received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that the Senate have passed engrossed bill of the House of Representatives No. 72. "A bill to confine voters to their respective townships," with one amendment, and to respectfully ask the concurrence of the House of Representatives therein.

On motion,

The amendments of the Senate to bill of the House,
No. 72 in said message mentioned,
Were concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following message was also received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, engrossed bills of the House of Representatives as follows :

No. 145. An act to amend an act entitled, "An act for the relief of John Law, Lucius H. Scott, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased," approved January 15, 1844;

No. 250. An act to authorize a special term of the Henry Circuit court.

The Senate have passed engrossed bills thereof as follows:

No. 187. An act to change the mode of doing county business in the county of Washington;

No. 188. An act to change the time of holding Probate courts in the county of Ripley;

In which I am directed to ask, respectfully, the concurrence of this House.

No. 187 in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 188 in said message mentioned,

Was read the first and second times, the rules being suspended therefor, and,

On motion by Mr. Simonson,
Was laid on the table.

Mr. Tingley, on leave granted, made the following report :

MR. SPEAKER:

The select committee to which was referred the proposition of Ellsworth, Beard & Co., for the completion of the Wabash and Erie canal to Terre Haute, and other matters connected therewith, have had the same under consideration, and instructed me to report the accompanying bill for the consideration of the House and recommend its passage:

No. 383. A bill to provide for the completion of the Wabash and Erie canal to Terre Haute;

Which was read a first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed engrossed bills thereof of the following titles:

No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 135. An act for the benefit of bail for the stay of execution;

No. 139. An act to amend an act entitled an act to incorporate the Perrysville Canal Lock Company, approved February 12, 1844, and to correct a misprint therein;

No. 149. An act to change the mode of doing county business in the county of Parke;

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

No. 169. An act to incorporate the Laporte county Mutual Insurance company;

No. 189. An act for the relief of Lewis Orth, David Wade, and James Thomas;

In which I have been directed to ask, respectfully, the concurrence of this House.

Bills of the Senate, in said message mentioned, Nos. 132, 135, 139, and 169,

Were each read the first time and passed to a second reading on to-morrow.

No. 149 of the Senate, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 152 of the Senate, in said message mentioned,

Was read the first and second times, the rules being suspended therefor; and,

On motion by Mr. Blakemore,

Was referred to the committee on corporations.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER :

The Senate have passed engrossed bills of the House of Representatives (with amendments,) of the following titles, to-wit:

No. 40. "An act fixing the time of holding courts in the eighth judicial circuit," with two amendments;

No. 66. "An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county," with two amendments;

No. 92. "An act authorizing the Auditor of Vanderburgh and Gibson counties to call the boards of commissioners together to hold special sessions in said counties," with two amendments;

No. 181. "An act relating to the selling of clocks and other property by religious or education societies," with two amendments;

In which I have been directed to ask, respectfully, the concurrence of this House.

The Senate have passed, without amendments, engrossed bills of the House of Representatives entitled as follows, to-wit:

No. 69. An act for the relief of Ann Matthews;

No. 110. An act to amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843.

The Senate have passed engrossed bills thereof entitled as follows:

No. 32. An act for the relief of Isaiah W. Cron and Daniel McCaughan;

No. 64. An act in relation to school commissioners;

No. 129. An act subjecting equitable interests in school lands to sale on execution;

No. 200. An act for the relief of Alfred Miles and Mary Miles;

No. 202. An act for the relief of Elijah Reeves;

No. 205. An act for the relief of Priscilla Lazenby and others;

No. 215. An act authorizing a company to construct a turnpike road from Cambridge City to Muncietown;

No. 232. An act to locate a State road in Jay and Blackford counties;

In which I am directed to ask, respectfully, the concurrence of this House.

The amendments of the Senate, mentioned in said message, to bills of the House Nos. 40 and 66, were concurred in by the House.

Pending the consideration of the amendment of the Senate to bill of the House No. 92, mentioned in said message,

On motion,

The House adjourned until half past 1 o'clock, P. M.

Half past 1 o'clock, P. M.

The House met,

And resumed the consideration of the amendments of the Senate to bill of the House No. 92.

On motion by Mr. Simonson,
The message was laid on the table.

On motion by Mr. Simonson,
Bill of the Senate

No. 188. A bill to change the time of holding Probate Courts in the county of Ripley;

Was taken from the table and ordered to a third reading on tomorrow.

On motion by Mr. Simonson,
The message from the Senate was taken from the table;
And the question being,

“Will the House concur in the amendments of the Senate to bill of the House No. 92?”

And the ayes and noes being demanded by Messrs. Whight and Hodges,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Blakemore, Bradley, Brecount, Brown, Bruce, Conner, Ford, Foresman, Fry, Hambrick, Hardin, Helwig, Herod, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Kelley, Kerr, Legg, Little, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Parker, Peek, Pomeroy, Rose, Shanks, Shively, Simonson, Snook, Stapp, Stophlet, Sullivan, Tague, Tomlinson, Turman, Wills, Wilson, and Wright of Wayne—48.

Those who voted in the negative are,

Messrs. Bell, Byers, Colms, Conduit, Garrett, Gregory, Handy, Hauser, Hodges, Jamison, Jones of Vigo, Leslie, Lewis of Wayne, Pettit, Rich, Robinson of Decatur, Smith, Wolf, Wright of Switzerland, and Mr. Speaker—20.

So the amendments were concurred in.

On motion by Mr. Stapp,

The House concurred in the amendments of the Senate to bill of the House No. 181, in said message mentioned, with the following amendment:

Amend by adding the following section:

“This act shall take effect and be in force from and after its passage.”

Bills of the Senate No. 32, 64 and 129 in said message mentioned, Were severally read a first time, and ordered to a second reading on to-morrow.

Nos. 200, 202, 205, 215, and 232, in said message mentioned,

Were severally read three times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed engrossed bills of the House of Representatives, without amendment, of the following titles:

No. 33. An act to amend an act providing for the election of a school commissioner in Russell township, in the county of Putnam;

No. 35. An act to authorize Ruel Star to erect a mill dam across the Calumet river;

No. 51. An act to legalize the election of Trustees of the Enon Church of General Baptists in Gibson county;

No. 196. An act to incorporate the Union Literary Society of South Hanover College;

No. 277. An act declaring a road in Tippecanoe county a State road;

No. 282. An act for the relief of the heirs of Hezekiah B. Luckett and Sarah B. Yandel;

The Senate have passed bills thereof, of the following titles:

No. 165. An act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;

No. 171. An act to encourage the killing of muskrats on the Wabash and Erie canal;

No. 181. An act to incorporate the Lafayette bridge company;

No. 196. An act for the relief of the administrators of John Simes, deceased, late of Morgan county, and for the benefit of the creditors of the said John Simes, deceased:

No. 208. An act to extend the terms of the Montgomery Probate Court;

In which I am directed to ask respectfully the concurrence of this House.

Bill of the Senate in said message mentioned, No. 165,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 171, in said message mentioned,

Was read a first and second times, the rules being suspended therefor ; when

Mr. Pettit moved to amend as follows :

After the words " on the banks " in the first section, insert " or in the waters or within fifty yards thereof ; "

Which amendment was adopted.

Pending which, as per order,

The House proceeded to the orders of the day.

BILLS ON THE THIRD READING.

No. 123. A bill to extend the time of payment upon the sales of the canal lands ;

Was read the third time ; when

Mr. Gregory moved to lay the bill on the table.

And the ayes and noes having been demanded by Messrs. Pettit and Nimmon,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Claypool, Conduit, Davis, Ford, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Hazelrigg, Herod, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kelley, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, Miller, Moon-ey, Nutter, Odell, Palmer, Parker, Rich, Robinson of Decatur, Rousseau, Shelby, Simonson, Sullivan, Tingley, Walker, Wolf, and Wright of Wayne—46.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Colms, Cowen, Duzan, Endicott, Foresman, Fry, Fuller, Hambrick, Hauser, Helwig, Heustis, Hill, Howard, Jones of Fountain, Kerr, McAllister, McGauhey, Manville, Matlock, Montgomery, Nimmon, Osborn, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Snook, Stapp, Stophlet, Tague, Tomlinson, Turman, Vandever, Whight, Wilson, Wright of Switzerland, and Mr. Speaker—47.

So the House refused to lay said bill on the table.

And the question recurring,

" Shall the bill pass ? "

The ayes and noes were demanded by Messrs. Pettit and Nimmon,

Those who voted in the affirmative are,

Messrs. Bell, Blakemore, Bradley, Brecount, Brown, Bruce, Byers, Colms, Conner, Cowen, Duzan, Endicott, Fry, Fuller, Hambrick, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, McAllister, McGauhey, Manville, Matlock, Montgomery, Nimmon, Osborn, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shanks, Shively, Snook, Stapp, Stophlet, Sullivan, Tague, Tomlinson, Turman, Vandever, Wills, and Mr. Speaker—53.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Claypool, Davis, Ford, Foresman, Garrett, Gregory, Grubbs, Handy, Hazelrigg, Herod, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Kelley, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, Miller, Mooney, Nutter, Odell, Rich, Robinson of Decatur, Rosseau, Shelby, Simonson, Tingley, Whight, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—39.

So the bill passed.

On motion by Mr. Hodges,

The title was amended by adding thereto the words "east of Tippecanoe river."

Ordered, That the Clerk inform the Senate thereof.

No. 177. A bill providing for the distribution of the saline fund, bank tax fund, Indianapolis fund, and funds belonging to estates without heirs ;

Was read the third time and laid on the table.

No. 300. A bill to vacate a part of a State road therein named ;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 306. A bill giving to the borrowers of the sinking fund and other funds of the State, further time to make payment ;

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 321. A bill for the relief of Alexander McClelland ;

Was read a third time, when

Mr. Blakemore moved to recommit the bill with instructions to amend by striking out the words "east of the Tippecanoe river" in the line next to the last.

Mr. Smith moved to amend the instructions, as follows :

"Further amend so as to make an equal distribution of all the canal lands east and west of Lafayette, between the claimants."

Mr. Palmer moved the previous question ;

Which was seconded by the House.

And the main question was ordered to be put.

The question being,
 "Shall the bill pass?"

And the ayes and noes having been demanded by Messrs. Gregory and Bradley,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Bradley, Brecount, Brown, Bruce, Byers, Cowen, Duzan, Endicott, Fuller, Garrett, Hambrick, Handy, Hannah, Hauser, Helwig, Heustis, Hodges, Hostetter, Howard, Huckaby, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Lanius, Lewis of Dearborn, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Palmer, Pettit, Robinson of Carroll, Rose, Shanks, Shelby, Shively, Smith, Snook, Stapp, Sullivan, Tague, Tingley, Turman, Vandever, Wills, Whight, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—55.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Claypool, Conduit, Davis, Ford, Gregory, Grubbs, Hardin, Hazelrigg, Herod, Hinchman, Hoggatt, Huey, Jamison, Legg, Lewis of Wayne, Little, Matlock, Mooney, Nimmon, Nutter, Odell, Parker, Rich, Robinson of Decatur, Stophlet, Tomlinson, Wilson, and Wolf—30.

So the bill passed.

Ordered, That the Clerk report the same to the Senate.

No. 327. A bill relating to the Auditor of Washington county;

No. 333. A bill to locate a State road from Nathan Hallowell's to Orleans in Orange county;

No. 334. A bill in relation to an alley in Georgetown, Floyd county;

No. 337. A bill to locate a State road in Sullivan county;

No. 364. A bill to enable the county board of Putnam county to make a compromise with the collector of taxes for 1840;

Were read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 132. A bill to preserve the purity of elections;

Was read the third time, when

Mr. Pettit moved to recommit the bill to the committee on elections, with the following instructions:

In the 8th division of the 1st section, strike out all after the word "nothing" in the second line.

In the 4th section, strike out the words "or ward" occurring in the second line.

In sections 5, 6, 7, 8, 9, 10, 12, 21, after "shall" in the first line, insert "knowingly and wilfully."

13th section, strike out all of the first division after the word "citizen" in the 11th line, and insert "and no person who derives

his right to citizenship either mediately or immediately under the naturalization laws of the United States, shall be compelled to make production of any proof, either written or oral, or be subjected to any test of qualifications not required in other cases."

Mr. Whight moved the previous question;

Which was seconded by the House;

And the main question was then ordered to be put.

The question being,

"Shall the bill pass?"

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bradley, Byers, Colms, Conduit, Cowen, Endicott, Foresman, Fry, Handy, Hannah, Hauser, Herod, Heustis, Hill, Hinchman, Howard, Huey, Jamison, Kelley, Kerr, Lanius, Little, McClure of Scott, Miller, Odell, Osborn, Palmer, Pomeroy, Robinson of Decatur, Shelby, Simonson, Snook, Stapp, Stophlet, Sullivan, Tague, Wills, Whight, Wolf, and Wright of Switzerland—42.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Brecount, Brown, Bruce, Claypool, Davis, Ford, Fuller, Garrett, Gregory, Grubbs, Hambrick, Hardin, Hazelrigg, Helwig, Hodges, Hoggatt, Hostetter, Huckaby, Jones of Fountain, Jones of Vigo, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Knox, Matlock, Montgomery, Mooney, Nimmon, Nutter, Parker, Pettit, Rich, Robinson of Carroll, Rosseau, Shanks, Shively, Smith, Tingley, Tomlinson, Turman, Vandever, Wilson, Wright of Wayne, and Mr. Speaker—48.

So the bill did not pass.

BILLS OF THE SENATE.

No. 3. A bill supplemental to an act entitled, "An act for the relief of Nathan Burchfield," approved February 11, 1843;

Was read a third time, when

Mr. Hazelrigg moved to recommit the bill to the committee on the judiciary, with instructions to report a bill providing for the payment of witnesses and jurors in all cases where the State is a party;

Which did not prevail.

The question then being on the passage of the bill,

It was decided in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

No. 6. A bill for the relief of Pierre (alias Peter) Poncin, of Knox county;

Was read a third time, when,

On motion by Mr. McClure of Knox,

The bill was amended, by the unanimous consent of the House, by adding the following:

"This act to be in force from and after its publication in one of the newspapers printed at Vincennes, at the expense of said Peter Poncin."

No. 12. A bill to repeal a certain act therein named;

No. 25. A joint resolution relative to postage;

No. 30. A bill to regulate the pay of grand and petit jurors;

No. 40. A bill to repeal an act entitled, "An act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, so far as it relates to Jackson county;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Montgomery,

The House took from the table House bill

No. 227. A bill to change the venue in certain suits instituted by the Vincennes University.

Mr. Whight moved to amend as follows:

At the end of section 4th insert,

"*Provided, however*, That the counsel so employed by the Governor, as above provided, shall be paid by the persons interested;"

Which did not prevail.

The question then recurring on the engrossment of the bill;

The ayes and noes being called by Messrs. Whight and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Boardman, Brecount, Brown, Bruce, Conner, Cowen, Davis, Duzan, Endicott, Ford, Foresman, Fry, Fuller, Grubbs, Hannah, Hardin, Heustis, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Lanius, Lewis of Dearborn, Little, McAllister, McClure of Knox, McGauhey, Montgomery, Mooney, Osborn, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Shanks, Shelby, Stapp, Tingley, Turman, Wills, and Wolf—49.

Those who voted in the negative are,

Messrs. Blakemore, Byers, Colms, Conduit, Garrett, Gregory, Hambrick, Handy, Hauser, Hazelrigg, Herod, Hill, Hoggatt, Howard, Kelley, Legg, Leslie, Lewis of Wayne, McClure of Scott, Matlock, Miller, Nimmon, Nutter, Parker, Rich, Robinson of Decatur, Rousseau, Shively, Simonson, Smith, Stopphet, Sullivan, Tague, Tomlinson, Vandever, Whight, Wilson, and Wright of Wayne—38.

So the bill was ordered to be engrossed.

BILLS OF THE SENATE.

No. 74. A bill providing compensation to supervisors of roads and highways;

Was read a third time; when,

Mr. Rose moved to refer the bill to the committee on roads, with instructions to strike out the county of Clay;

Which did not prevail.

The question then being on the passage of the bill;

It was decided in the affirmative.

Ordered, That the clerk inform the Senate thereof.

No. 87. A bill supplemental to an act entitled an act relative to the water power of Northport in Noble county, approved January 21, 1843;

No. 93. A bill providing for the distribution of the Saline and Bank Tax Fund among the several counties in this State;

No. 101. A bill to prevent fraudulent practices in the consignment of produce and merchandize;

No. 118. A bill to incorporate the Elkhart Brass Band;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 126. A bill to incorporate the Crawfordsville and Wabash Railroad company;

Was read a third time; when

Mr. Foresman moved to amend as follows:

Amend by adding,

"That said Railroad Company is hereby required, bona fide, to take stock to the amount of one hundred thousand dollars of the capital stock, and pay to the proper Treasurer in cash, fifteen per cent. on the above amount within six months after the passage of this act; and if default be made, this act of incorporation to be null and void;"

Which was unanimously consented to by the House.

The question then being on the passage of the bill;

It was decided in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

No. 143. A bill for the relief of Millens Loomer;

Which was read the third time; and was,

On motion by Mr. Vandever,

Indefinitely postponed.

Mr. Helwig moved to reconsider the vote just taken by which

No. 143. A bill for the relief of Millens Loomer,

Was indefinitely postponed;

On which motion Messrs. Hoggatt and Vandever called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Boardman, Bradley, Bruce, Clay

pool, Conduit, Endicott, Ford, Gregory, Grubbs, Handy, Hardin, Hazelrigg, Helwig, Herod, Heustis, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Lanius, McAllister, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Nimmon, Odell, Osborn, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rosseau, Shively, Smith, Stapp, Tingley, Turman, Whight, Wolf, and Wright of Switzerland—53.

Those who voted in the negative are,

Messrs. Blakemore, Brown, Byers, Colms, Conner, Cowen, Fry, Fuller, Garrett, Hauser, Hill, Howard, Kelley, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, Mooney, Nutter, Parker, Robinson of Decatur, Rose, Shanks, Stophlet, Sullivan, Tague, Vandever, Wills, Wilson, Wright of Wayne, and Mr. Speaker—33.

So said vote was reconsidered ;

And the motion to indefinitely postpone, was then lost.

Mr. Vandever then moved to lay the bill on the table ;

Which did not prevail.

Mr. Nimmon called the previous question ;

Which was seconded by the House ;

And the question then being,

“Shall the main question be now put?”

It was so ordered by the House.

And the question then recurring on the main question, to-wit :

“Shall the bill pass?”

On which Messrs. Vandever and Hoggatt called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Boardman, Bradley, Brecount, Bruce, Claypool, Conduit, Endicott, Fuller, Gregory, Handy, Hardin, Hazelrigg, Herod, Heustis, Hinchman, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Lanius, Leslie, McAllister, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Nimmon, Nutter, Osborn, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rosseau, Shively, Smith, Snook, Stapp, Tingley, Turman, Whight, Wolf, and Wright of Switzerland—54.

Those who voted in the negative are,

Messrs. Blakemore, Brown, Byers, Colms, Conner, Cowen, Duzan, Ford, Garrett, Grubbs, Hambrick, Hannah, Hauser, Hill, Howard, Kelley, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little,

McClure of Knox, Mooney, Odell, Parker, Robinson of Decatur, Rose, Shanks, Shelby, Simonson, Stophlet, Sullivan, Tague, Tomlinson, Vandever, Wills, Wilson, Wright of Wayne, and Mr. Speaker—39.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House then adjourned until half past eight o'clock to-morrow morning.

WEDNESDAY MORNING, JANUARY 8, 1845.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from James Van Rensseler upon the subject of the county seat of Jasper county.

Which was,

On motion,

Laid on the table.

Mr. Claypool presented the remonstrance of L. C. Lewis and 107 others, against vacating certain streets in Indianapolis; which was,

On motion,

Laid on the table.

On motion,

The message of the Senate which was laid upon the table on yesterday, was taken up, and,

Bill No. 171, of the Senate, in said message mentioned,

Was read a first and second times, the rules being suspended therefor; when

Mr. Hazelrigg moved to amend as follows:

Strike out of the fifth line of the first section, the word "scalp," and insert "skin."

And amend the second section by striking out the word "scalps," wherever it occurs, and insert "skins."

And amend third section by striking out all after the word "provided," and insert "that it shall be the duty of said superintendents to sell said skins for the best price that can be obtained in the market, and apply the proceeds thereof towards the completion of said canal."

Which was not adopted.

Mr. Hodges moved to lay said bill on the table.

Which did not prevail.

The bill was then ordered to a third reading.

No. 181 of the Senate, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

No. 196 and 208 of the Senate, in said message mentioned,

Were each read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

Mr. Bradley has leave to withdraw from the files of this House, the papers in the case of Nathan Burchfield.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives, entitled, as follows :

No. 268. An act to locate a State road in the counties of Vermilion and Vigo ;

With two amendments ;

In which I am directed to ask respectfully the concurrence of this House.

The Senate have passed engrossed bills of the House of Representatives, without amendment, of the following titles, to-wit :

No. 38. An act to authorize the board of commissioners of Bartholomew county to erect a toll-bridge across the driftwood fork of White river at Columbus ;

No. 44. An act to repeal an act, entitled, "an act relative to the overseers of the poor," approved January 15th, 1844, so far as the same is in force in Bartholomew and Spencer counties ;

No. 83. An act to authorize plaintiffs to collect the bids of purchasers at sheriff's and constable's sales, and to repeal the 429th section of the 40th chapter of the Revised Statutes of 1843 ;

No. 88. An act to amend an act, entitled, an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes ;

No. 249. An act to amend an act, entitled, an act for the relief of Ann Frankbower, approved January 15, 1844 ;

No. 261. An act to extend the term of February, A. D., 1845, of the Miami probate court ;

No. 275. An act to amend the 7th article of the 13th chapter of the Revised Statutes ;

No. 283. An act to relocate the county seat of Martin county ;

And also, an engrossed joint resolution of the House of Representatives, entitled, as follows :

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the central canal ;

The Senate have passed engrossed bills thereof, of the following titles:

No. 125. An act to amend the 102d section of the 13th chapter of the Revised Statutes;

No. 138. An act to repeal an act, entitled, "an act to amend an act, entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter, approved January 15, 1844;

No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of the school fund;

No. 219. An act to incorporate the Philalethian Literary Society of South Hanover College;

No. 122. An act to vacate part of the town of Numa, in the county of Parke;

No. 224. An act repealing the 14th section of an act, entitled, an act to locate certain State roads therein named, and for other purposes;

No. 226. An act authorizing the president and council of the town of Lawrenceburgh, to subscribe and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company;

In which I have been directed to ask respectfully the concurrence of this House.

The amendments of the Senate to bill of the House in said message mentioned, No. 268,

Were concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

Nos. 125, 138, and 219, of the Senate, in said message mentioned, Were each read a first time, and ordered to a second reading.

No. 210, 222, and 226, of the Senate, in said message mentioned, Were each read three several times, the rules being suspended, therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 224, of the Senate, in said message mentioned, Was read the first time; when

Mr. Hazelrigg moved to reject the bill.

Which motion prevailed.

The following message was received from the Senate, by Mr. Holloway, a Senator:

MR. SPEAKER:

The Senate has passed a bill thereof No. 214, entitled, an act to amend an act, entitled an act to incorporate the Cambridge City and Venice Turnpike Company, and have directed me to report it to the House of Representatives, and ask their concurrence therein:

No. 214, of the Senate in said message mentioned,
Was read a first and second times, the rules being suspended therefor, and,

On motion,

Was referred to the committee on corporations.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill thereof, entitled, as follows :

No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes ;

In which I am directed to ask respectfully the concurrence of this House.

No. 172, of the Senate, in said message mentioned,

Was read the first and second times, the rules being suspended therefor ; when

Mr. Osborn moved to amend as follows :

Amend the several acts for the loaning and collecting of the sinking fund and for other purposes ;

Amend section 7, by inserting after the word "be repaid" in the 3rd line, the words "for six months after the same falls due ;"

Which were adopted.

Then the bill was ordered to a third reading,

Mr. Whight, having obtained leave, made the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred a communication of Geo. H. Dunn, late Treasurer of State, have considered that subject, and have directed me to report the accompanying preamble and resolution, and recommend its adoption, and ask to be discharged from the further consideration of the same.

The following is the preamble and resolution, as recommended by said committee, in the above report :

WHEREAS, It is represented to this House that Geo. H. Dunn, while Treasurer of State, gave a credit of \$5,610 58 to John J. Graham, Treasurer of the county of Morgan, in accordance with the provisions of an act entitled, "An act for the relief of John J. Graham," approved January 31, 1843 ; and that the above mentioned sum was charged against the said Dunn as Treasurer of State on the books of the Auditor of Public Accounts. And

WHEREAS, It is further represented that it is presumed that no

warrant was ever issued by the Auditor of State in favor of said Dunn for the above named \$5,610 58, therefore,

Resolved, That the Auditor of Public Accounts be, and he is hereby, authorized to deliver to the said Geo. H. Dunn, late Treasurer of State, a warrant amounting to the above named sum of \$5,610 58, whenever he is convinced that there has been heretofore no warrant issued for the same.

Which preamble and resolution were adopted.

On motion by Mr. Ford,

The petition upon the subject of the Mississinewa river was taken from the table and referred to the committee on roads.

PETITIONS PRESENTED.

By Mr. Stophlet,

From sundry colored residents of Allen county, praying for the repeal of the law whereby blacks are rendered incompetent witnesses in certain cases;

Which was referred to the judiciary committee.

By Mr. Palmer,

Of the administrator of the estate of John P. Case, deceased, asking for relief;

Which was referred to a select committee of Messrs. Palmer, Hambrick and Robinson of Decatur.

By Mr. Robinson of Carroll,

Of sundry citizens of Lockport, to vacate a street in said town;

Which was laid on the table.

By Mr. Parker,

From Henry Pratt and others, praying for the incorporation of a company for constructing a certain turnpike road therein named;

Which was laid on the table.

By Mr. Bell,

Of sundry citizens of Madison and Henry counties, praying for the construction of a certain turnpike road therein named;

Which was referred to a select committee of Messrs. Bell, Claypool, and Vandever.

By Mr. Barclay,

The petition of sundry citizens of Laporte county, asking the extension of a State road in said county to Winnemac in Pulaski county; which,

On motion,

Was referred to a select committee of Messrs. Barclay, Brecount, and Pomeroy.

By Mr. Brecount,

Of sundry purchasers of Wabash and Erie canal lands, asking for an extension of the time for payment for the same;

Which was referred to the committee on canals and internal improvements.

By Mr. Palmer,

The memorial of Joseph Weeks and others, praying for the repeal of all laws making a distinction of color, &c.;

Which was referred to the judiciary committee.

By Mr. Pettit,

A petition of Jethro Wickersham and others, praying for the passage of a joint resolution of the Legislature against the annexation of Texas;

Which was referred to the judiciary committee.

By the same,

A memorial from Eli Kersey and others, in Henry county, praying for the repeal of all laws making a distinction of color, and for the passage of a law making it a punishable offence for any one to assist in capturing a fugitive slave;

Which was referred to the judiciary committee.

By Mr. Hardin,

A petition from sundry citizens in Johnson county, praying for a divorce for Julianna Trower;

Which was referred to the judiciary committee.

By Mr. Hazelrigg,

Of sundry citizens in Boone county, in relation to the county seminary of said county;

Which was referred to the committee on education.

By Mr. Robinson of Carroll,

Of citizens of Richardville county, praying that the Clerk of said county be authorized to act as Auditor;

Which was laid on the table.

By Mr. Manville,

Of sundry citizens of Brown county to legalize a *simultaneous* publication of newspaper in Bartholomew and Brown counties;

Which was referred to the committee on the judiciary.

By Mr. Byers,

Of citizens of Monroe county, praying the passage of a law upon the subject of the school funds of said county;

Which was referred to a select committee of Messrs. Byers, Manville, and Robinson of Decatur.

By Mr. Peek,

Of Harvey Manning and others, praying for the permanent location of the county seat of Martin county;

Which was,

On motion,

Laid on the table.

On leave granted,

Mr. Simonson made the following report:

MR. SPEAKER:

The committee on the State prison, to whom was referred so much

of the Governor's message as relates to the old State prison and the erection of the new prison, the report of the superintendents of the prison, the report of the visitors, the report of the examiners of the work on the new prison, and the new contract in relation to that work, have had said reports, message and contract under consideration, and have directed me to report, that they fully approve of the manner in which his Excellency, the Governor, has discharged the duty enjoined upon him by a resolution of the last General Assembly, and of the alteration and modifications of the contract for the erection of the new prison, and the work to be done thereon. The committee reiterate the opinion heretofore expressed in relation to the necessity of a speedy completion of the new prison, as demanded alike for the safety, health, and moral improvement of the prisoners.

The committee would conclude by recommending an appropriation of fifteen thousand dollars, the present year, towards the completion of the prison.

On motion by Mr. Simonson,

The latter clause of the foregoing report was referred to the same committee of the whole House, to which was referred the revenue bill.

On motion by Mr. Wright of Switzerland,

The House granted leave of absence to Mr. Lanus for the remainder of the session.

On motion by Mr. Herod,

The House resolved itself into committee of the whole on

No. 380. A bill of the House to raise a revenue for State purposes.

After some time spent in the consideration thereof, the committee rose, when the Chairman reported progress, and asked leave to sit again:

Which was refused by the House.

On motion,

The House adjourned until half past 8 o'clock, to-morrow morning.

SPECIAL SESSION.

HOUSE OF REPRESENTATIVES, }
6 o'clock, P. M., Jan. 8, 1845. }

The House having convened pursuant to the order of the Speaker, upon the occasion of the decease of the Hon. Jared Darrow, a member of this body from the counties of Huntington, Wells, and Blackford; when,

On motion by Mr. Pettit,

Resolved, unanimously, That the members of this House have heard with a common grief, the announcement of the sudden and melancholy decease of the Hon. Jared Darrow, a member of this body, from the county of Huntington.

Resolved, unanimously, That the members and officers of this House have held in high esteem the many manly qualities of the head and heart of the deceased, and will cherish them in affectionate remembrance; and that in his death we feel the loss of a kind friend, an efficient and patriotic legislator, and a good man.

Resolved, unanimously, That this body sympathize deeply with the family and friends of the deceased in this their heavy affliction, and the community in which he lived, deprived by his death, of a most useful and valuable member.

Resolved, unanimously, That, as an evidence of regard for the character and virtues of the deceased, the members and officers of this House, the members and officers of the Senate, (if concurring,) and the Governor and officers of State, will attend upon the funeral service of the deceased.

Resolved, unanimously, That the Senate and its officers be invited to unite with the House in paying this testimonial to the memory of our departed friend and fellow member.

Resolved, unanimously, That, as a further token of our respect, the members and officers of this House will wear crape upon the left arm for thirty days.

Resolved, unanimously, That the Speaker of this House transmit a copy of these resolutions to the family of the deceased.

On motion by Mr. Stophlet,

Resolved, unanimously, That a committee of five be appointed with plenary powers to make arrangements for the funeral of the Hon. Jared Darrow, deceased.

Whereupon the Speaker announced the following gentlemen said committee, viz:

Messrs. Stophlet, Blakemore, Osborn, Pettit, and Anthony ;

Who, after having retired for a few moments, returned and reported the following

ORDER OF ARRANGEMENTS

For the funeral of the Hon. Jared Darrow, deceased, late a member of the House of Representatives from the counties of Huntington, Wells, and Blackford.

The members and officers of the House of Representatives will meet in the Hall of the House at 10 o'clock to-morrow morning.

The members and officers of the Senate will meet in their Chamber at the same hour.

ORDER OF PROCESSION.

1. The Reverend Clergy;
2. Pall bearers, (corpse,) Pall bearers;
3. Mourners;
4. Governor;
5. Committee of Arrangements;
6. The Speaker and Clerk of the House of Representatives;
7. Members and officers of the House;
8. The President and Secretary of the Senate;
9. Members and officers of the Senate;
10. Judges of the Supreme Court;
11. Officers of State;
12. Citizens generally.

The procession will form at the Capitol precisely at quarter past 10 o'clock to-morrow, and proceed to the Palmer House and return from thence, with the corpse, to the Hall of the House of Representatives, where divine service will be performed by the Rev. Henry W. Beecher.

After the conclusion of divine service the procession will move in like order to the place of interment, or in case of removal, to the limits of the city.

The Pall bearers will consist of

Messrs. HEROD of Bartholomew,	Messrs. MANVILLE of Brown,
HELWIG of Steuben,	SIMONSON of Clark,
MOONEY of Jackson,	STAPP of Jefferson,
HILL of Clinton,	TINGLEY of Rush,
HUEY of Jay,	ROBINSON of Carroll,
VANDEVEER of Orange,	SNOOK of Montgomery.

The procession will be supervised by Mr. Leslie as Marshal.

On motion by Mr. Herod,

Resolved, That, as a further token of respect for the memory of the Hon. Jared Darrow, deceased, this House, when it adjourns, will adjourn until to-morrow, 2 o'clock, P. M.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have adopted sundry resolutions in the following words:

Resolved, unanimously, That the Senate reciprocate the resolutions of the House of Representatives in relation to the loss sustained by that body in the death of the Hon. Jared Darrow, a member of that body, from the county of Huntington.

Resolved, unanimously, That the Senate have heard, with deep sensibility, the announcement of his death, and sympathize in the afflicting dispensation of Providence which has deprived his family of a kind and affectionate protector, and the community in which he lived of one of its brightest ornaments.

Resolved, unanimously, That, as an evidence of respect for the virtues of the deceased, the members of the Senate will wear the usual badge for the space of thirty days.

Resolved, unanimously, That the President of this body be requested to transmit a copy of these resolutions to the family of the deceased.

Resolved, That the Secretary of the Senate transmit to the House of Representatives a copy of the foregoing resolutions.

Then,

On motion,

The House adjourned until to-morrow half past 2 o'clock, P. M.

THURSDAY, JANUARY 9, 1845, }
2 o'clock, P. M. }

The House met pursuant to adjournment.

The question pending last adjournment was on the engrossment of bill

No. 380. A bill to raise a revenue for State purposes.

Mr. Simonson offered the following amendment:

An Act to raise a revenue for State purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a tax of twenty cents on each one hundred dollars of the value of all property entered in the general list for taxation, and a poll tax of fifty cents on each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied, for the current year one thousand eight hundred and forty-five; which tax shall be assessed and collected agreeably to law.

SEC. 2. That fifteen cents of the above rate on each one hundred dollars valuation of property liable to taxation, shall be, and the same is hereby directed to be set apart and applied for the redemption of outstanding treasury notes.

SEC. 3. That five cents of the above rate, together with the poll tax, shall be applied to the payment of the ordinary expenses of the State government.

SEC. 4. That in addition to the above rate, there shall be levied and collected on each one hundred dollars of property liable to taxation as aforesaid, the following sums, to-wit: five mills for a lunatic asylum; four mills for a deaf and dumb asylum: and two mills for the education of the blind.

SEC. 5. So much of the law as requires the several county auditors of this State to enter in separate columns upon the tax duplicate, the tax for the deaf and dumb and the lunatic asylum, be, and the same is hereby repealed, and it shall be the duty of the Treasurer of State to set apart from the revenue collected and returned to his office, the amount contemplated by law for the deaf and dumb, and the lunatic asylums, and for the education of the blind.

SEC. 6. This act shall be in force from and after its passage.

On motion by Mr. Robinson of Carroll,

A call of the House was ordered;

Messrs. Bell, Bradley, Brown, Hambrick, Howard, McClure of Scott, Mooney, Osborn, Parker, Pettit, Walker, Whight, and Wills, were found to be absent.

On motion by Mr. Simonson,

The House excused Mr. Howard.

On motion by Mr. Handy,

The House also excused Mr. Whight.

A further call was suspended.

Mr. Vandever then moved the previous question;

Which was seconded by the House.

And the main question ordered to be then put;

The question being then put,

“ Shall the bill be engrossed ? ”

And the ayes and noes being demanded by Messrs. Tingley and Simonson,

Those who voted in the affirmative are,

Messrs. Anthony, Boardman, Bradley, Bruce, Byers, Colms, Conner, Cowen, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Hambrick, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hoggatt, Hostetter, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Montgomery, Nimmon, Palmer, Peek, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shively, Smith, Snook, Stapp, Sullivan, Tague, Tomlinson, Turman, Vandever, Wills, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—63.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Brecount, Claypool, Foresman,
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Grubbs, Handy, Hannah, Hardin, Hinchman, Huckaby, Little, McAllister, Miller, Mooney, Nutter, Odell, Osborn, Parker, Rich, Shelby, Simonson, Stophlet, Tingley, Wilson, and Wolf—27.

So the bill was ordered to be engrossed for a third reading.

On motion by Mr. Herod,

The rules were suspended, and the bill was read a third time.

Mr. Wilson moved to recommit the bill to a select committee with the following instructions :

Insert twenty-one in lieu of twenty, and providing that one cent thereof be appropriated and set apart in proper and equitable proportions to the three benevolent purposes of supporting and educating the lunatic, the mute, and the blind.

Mr. Osborn moved to amend the instructions by directing the committee to add the following sections :

SEC. —. From and after the holders of Indiana State bonds (for which a consideration has been received by the State) to the amount of eight millions of dollars shall be surrendered and cancelled upon the following terms, to-wit: calculate interest on said bonds from date, at the rate of three per cent. to March 1st, 1849, and receive new bonds issued according to law, bearing an interest of one per cent. thereon from and after March 1st, 1849, until March 1st, 1850, two per cent. in 1851 and 1852, and three per cent. each and every year thereafter—the principal or any part thereof being payable at the pleasure of the State: it shall be the duty of the auditor of State to levy a tax of twenty-five cents on the one hundred dollars, and a poll of seventy-five cents of each and every person liable to pay a poll tax on or before the first day of June, each and every year to be collected according to law.

Provided, no holders of any State bonds shall be entitled to receive any of the funds out of the State treasury until they shall surrender and cancel the same according to the provisions of this section; and provided also, that this section shall not be in force until said bonds to the amount of eight millions of dollars shall be surrendered and cancelled upon the terms and conditions above specified; the provisions of this section to be considered in the nature of a contract, after such surrender and the receipt of such new bonds.

SEC. —. After such surrender of said bonds to the amount of eight millions according to the provisions of the last preceding section, it shall be lawful for the holders of all State bonds for which a consideration has been received by the State, to surrender the same upon the same terms as is provided in the last preceding section—all bonds authorized to be issued by this act, to be signed by the Treasurer of State, and countersigned by the Auditor of State.

Mr. Herod moved the previous question ;

Which was seconded by the House.

The question then being,

“Shall the main question be now put?”

And Messrs. Osborn and Little having demanded the ayes and
noes

Those who voted in the affirmative are,

Messrs. Anthony, Boardman, Brecount, Brown, Byers, Colms, Conner, Cowen, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, McClure of Knox, Manville, Montgomery, Mooney, Nimmon, Palmer, Peek, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Tague, Tomlinson, Turman, Vandever, Wills, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—62.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Brown, Claypool, Conduit, Foresman, Grubbs, Hardin, Huckaby, Kerr, Little, McAllister, McClure of Scott, McGauhey, Matlock, Miller, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Simonson, Stapp, Stophlet, Sullivan, Tingley, Wilson, and Wolf—32.

So the main question was ordered to be put.

The main question was then put:

“Shall the bill pass?”

And the ayes and noes having been demanded by Messrs. Tingley, and Osborn,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Colms, Conner, Cowen, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hodges, Hoggatt, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kelly, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Knox, McClure of Scott, Manville, Matlock, Montgomery, Moon-ey, Nimmon, Palmer, Peek, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shelby, Shively, Smith, Snook, Stapp, Tague, Tomlinson, Turman, Vandever, Wills, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—67.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Claypool, Conduit, Foresman, Grubbs, Hinchman, Jones of Fountain, Kerr, Little, McGauhey, Miller, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Simonson, Stophlet, Sullivan, Tingley, Wilson, and Wolf—25.

So the bill passed.

Ordered, That the Clerk report the same to the Senate.

On motion by Mr. Herod,

The committee of the whole, to which was referred bills Nos. 379 and 381, was discharged from the further consideration thereof.

On motion by Mr. Robinson of Carroll,

The House took up

No. 379. A bill making general appropriations for the year 1845.

Mr. Simonson moved to amend the bill by inserting within its provisions the sum of \$15,000 for the erection of the new State Prison.

Mr. Wright of Switzerland, moved to amend the amendment by striking out 15 and inserting 10;

Which did not prevail.

The question then recurring on Mr. Simonson's amendment,

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Bruce, Byers, Claypool, Conduit, Conner, Davis, Duzan, Endicott, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Lewis of Dearborn, McAllister, McGauhey, Manville, Montgomery, Mooney, Nimmon, Odell, Osborn, Parker, Peek, Pettit, Pomeroy, Robinson of Carroll, Simonson, Snook, Stapp, Tague, Turman, Wolf, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Bell, Brown, Colms, Cowen, Ford, Fry, Fuller, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huey, Kelley, Kerr, Legg, Lewis of Wayne, McClure of Knox, McClure of Scott, Matlock, Miller, Nutter, Palmer, Rich, Robinson of Decatur, Shanks, Shelby, Shively, Smith, Stophlet, Sullivan, Tomlinson, Vandever, Wills, Whight, Wright of Switzerland, and Wright of Wayne—38.

So the amendment was adopted.

Mr. Herod offered the following amendment:

Strike out the words "\$700 for the deaf and dumb asylum," and insert,

"That the sums respectively assessed by the revenue law of this session for the benefit of the lunatic and deaf and dumb asylums, and for the blind, be, and the same are hereby appropriated, to be expended under the respective laws on such subjects;"

Which was adopted.

On motion by Mr. Simonson,

The rules were suspended, the bill considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House,

On motion,

Then took up

No. 381. A bill to prevent the accumulation of interest upon Treasury Notes, and to provide for the payment of demands upon the Treasury.

Mr. Robinson of Carroll moved to postpone the bill indefinitely ;
Pending which,

Mr. Gregory called the previous question ;

Which was seconded by the House ;

And the main question was then ordered to be put.

The question being put,

"Shall the bill be engrossed for a third reading?"

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Brown, Colms, Conduit, Conner, Cowen, Davis, Fuller, Hazelrigg, Herod, Hodges, Hoggatt, McClure of Knox, McClure of Scott, Rosseau, Shanks, Shelby, Shively, Smith, Sullivan, Tague, Vandever, Wills, Whight, and Wright of Switzerland—24.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Bruce, Byers, Claypool, Duzan, Endicott, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hauser, Helwig, Heustis, Hill, Hinchman, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McGauhey, Manville, Matlock, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Palmer, Parker, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Simonson, Snook, Stapp, Stophlet, Tingley, Tomlinson, Turman, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—67.

So the bill was not ordered to be engrossed.

On leave granted,

Mr. Handy introduced

No. 384. A bill to provide for the binding of the laws and journals ;

Which was read a first and second times, the rules being suspended therefor, when

Mr. Hodges offered the following amendment :

Amend by striking out "Auditor," "Treasurer," and "Secretary," wherever it occurs, and insert "State Printer ;"

Which was not adopted.

The rules were further suspended, the bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Sullivan,

The House proceeded to the consideration of

BILLS ON THE SECOND READING.

No. 61. A bill exempting personal property from execution.

The question pending, on the last consideration of said bill, was Mr. Smith's amendment to the amendment of Mr. Robinson of Decatur.

Mr. Vandever moved to indefinitely postpone the bill;

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Brecount, Brown, Conduit, Endicott, Fuller, Gregory, Hambrick, Handy, Hauser, Helwig, Huckaby, Jones of Fountain, Lewis of Dearborn, McClure of Scott, McGauhey, Manville, Nimmon, Palmer, Pettit, Robinson of Carroll, Turman, Vandever, Whight, and Mr. Speaker—24.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Bruce, Byers, Claypool, Colms, Conner, Cowen, Ford, Fry, Garrett, Grubbs, Hardin, Herod, Heustis, Hill, Hinchman, Hodges, Hostetter, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, Miller, Montgomery, Mooney, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shanks, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Wilson, Wolf, and Wright of Switzerland—60.

So the bill was not indefinitely postponed.

Mr. Smith's amendment to the amendment was then adopted.

The amendment of Mr. Robinson of Decatur, as amended, was then adopted.

The rules were suspended, the bill considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 131. A bill repealing section 76, article 4, chapter 15, of the school laws of the Revised Code, in the counties of De Kalb and Steuben;

Was read a second time and ordered to be engrossed.

No. 133. A bill to amend the 73d section of the 4th article of the 15th chapter of the Revised Statutes of 1843;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gregory, on leave granted, offered the following resolution:

Resolved, That when this House adjourns this afternoon, they adjourn to meet at half past six o'clock this evening, and that they will then proceed to the consideration of bills on their second reading.

Which was adopted.

No. 222. A bill to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, approved January 28, 1842;

Was read a second time, when

Mr. Herod moved to strike out the third section.

On which motion,

Messrs. Stapp and Herod called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Byers, Conduit, Endicott, Hazelrigg, Herod, Kelley, Leslie, Manville, Nimmon, Nutter, Parker, Peek, Rich, Robinson of Carroll, Snook, Vandever, and Wright of Switzerland—17.

Those who voted in the negative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conner, Cowen, Ford, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Matlock, Miller, Montgomery, Mooney, Odell, Osborn, Palmer, Pomeroy, Robinson of Decatur, Rose, Shelby, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Tuman, Wills, and Wright of Wayne—67.

So said motion was lost.

Mr. Rich moved to amend the bill by inserting in the fourth section after the word State, when it occurs last, the words "as equitably measured."

Mr. Jamison moved the previous question;

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being put,

"Shall the bill be engrossed for a third reading?"

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Hill, Hinchman, Hodges, Hos-

tetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Knox, McGauhey, Miller, Montgomery, Mooney, Odell, Osborn, Palmer, Pettit, Pomeroy, Shanks, Shelby, Shively, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Wills, Wright of Wayne, and Mr. Speaker—64.

Those who voted in the negative are,

Messrs. Byers, Hazelrigg, Herod, Heustis, Hoggatt, Kelley, Leslie, McClure of Scott, Manville, Matlock, Nimmon, Nutter, Parker, Peek, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Snook, Vandever, Wilson, and Wright of Switzerland—22.

So the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Jamison moved to suspend the rules and read the bill a third time now.

And the ayes and noes being demanded by Messrs. Rich and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Bradley, Bruce, Claypool, Colms, Conner, Cowen, Davis, Duzan, Foresman, Fry, Garrett, Gregory, Grubbs, Handy, Hannah, Hardin, Helwig, Hinchman, Hodges, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, Little, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Mooney, Nimmon, Nutter, Odell, Osborn, Palmer, Pettit, Pomeroy, Rose, Shelby, Shively, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Wills, Wright of Wayne, and Mr. Speaker—59.

Those who voted in the negative are,

Messrs. Blakemore, Boardman, Brecount, Brown, Byers, Conduit, Endicott, Ford, Fuller, Hauser, Herod, Heustis, Hill, Hoggatt, Kelley, Leslie, Lewis of Wayne, McClure of Scott, Manville, Montgomery, Peek, Rich, Robinson of Carroll, Robinson of Decatur, Shanks, Simonson, Snook, Vandever, Wilson, and Wright of Switzerland—30.

So the rules were not suspended.

No. 250. A bill to amend an act entitled, "An act to amend an act entitled, an act supplemental to an act subjecting real and personal property to execution," approved February 11, 1843;

Was read a second time, when

Mr. Parker moved to amend.

Mr. Hodges moved to lay the bill and amendment on the table.

And the ayes and noes having been demanded by Messrs. Handy and Parker,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Brecount, Brown, Byers, Claypool, Colms, Conduit, Conner, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hauser, Hazelrigg, Helwig, Hill, Hodges, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Leslie, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Montgomery, Mooney, Nimmon, Nutter, Osborn, Palmer, Peek, Pettit, Pomeroy, Robinson of Decatur, Rose, Rosseau, Shively, Smith, Snook, Tague, Tomlinson, Turman, Wills, Wolf, and Mr. Speaker—59.

Those who voted in the negative are,

Messrs. Blakemore, Bradley, Cowen, Foresman, Grubbs, Hardin, Herod, Heustis, Hinchman, Hoggatt, Howard, Huckaby, Lewis of Wayne, Little, Matlock, Miller, Odell, Parker, Rich, Shanks, Shelby, Stapp, Sullivan, Tingley, Wright of Switzerland, and Wright of Wayne—26.

So said bill and amendment were laid on the table.

The following message was received from the Senate, by Mr. Otto, their Principal Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill thereof, entitled, as follows:

No. 246. An act to amend an act, entitled, "an act to incorporate the Buffalo and Mississippi Railroad Company," approved February 6, 1835, and all acts amendatory thereto;

In which I have been directed to ask the concurrence of this House.

No. 246, in said message mentioned,

Was read three several times, the rules being suspended therefor, when

Mr. Robinson of Carroll moved to recommit to a select committee with the following instructions: to

"Insert a section making the stockholders individually liable for all the debts of the company;" when

Mr. Rich moved the previous question;

Which was seconded by the House.

The question then being,

Shall the main question be now put?

Which was decided in the affirmative.

The main question was then put, to-wit:

"Shall the bill pass?"

Which was decided in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled with the original bills of the House, and find the enrollment correctly made.

No. 88. An act to amend an act, entitled, "an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana," approved February 6, 1839, and for other purposes ;

No. 282. An act for the relief of the heirs of Hezekiah B. Luckett and Sarah B. Yandel ;

No. 101. An act to change the mode of doing county business in the county of Crawford ;

No. 68. An act to change a certain alley in the town of Pittsburg, Carroll county ;

No. 108. An act extending the provisions of an act for the protection of wild fruit on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13th, 1844 ;

No. 196. An act to incorporate the Literary Society of Hanover College ;

No. 251. An act to extend the term of February A. D., 1845, of the Miami Probate Court ;

No. 275. An act to amend the 7th article of the 13th chapter of the Revised Statutes, so far as the county of Lawrence is concerned ;

No. 69. An act for the relief of Ann Matthews ;

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the central canal ;

No. 249. An act to amend an act, entitled, "an act for the relief of Ann Frankbower," approved January 15th, 1844 ;

No. 110. An act to amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843 ;

No. 277. An act declaring a road in Tippecanoe county a State road ;

No. 97. A joint resolution on the subject of the Cumberland road, and Harbor at Michigan City ;

No. 145. An act to amend an act entitled, "An act for the relief of John Law, Lucius H. Scott, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased," approved January 15, 1844 ;

No. 303. An act to authorize the construction of a levee on the banks of Blue river in Shelby county ;

No. 291. An act for summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees ;

No. 290. An act to legalize the acts of John Harden, a justice of the peace of Hamilton county ;

No. 129. An act to change the name of Anna Maria Schmoll ;

No. 118. An act legalizing the special sessions of the board of county commissioners in the county of Daviess ;

No. 32. An act to abolish the office of county auditor in the county of Tipton ;

No. 112. An act entitled an act regulating the elections of supervisors in the counties of Steuben and De Kalb ;

No. 51. An act to legalize the election of Trustees of the Enon Church of General Baptists in Gibson county ;

No. 33. An act to amend an act providing for the election of a school commissioner in Russell township, in the county of Putnam ;

No. 37. An act legalizing certain proceedings had in the office of school commissioner in the county of Marshall ;

No. 35. An act to authorize Ruel Star to erect a mill dam across the Calumet river ;

No. 73. An act to authorize Gustavus A. Rose and others, to file their petition before the board of county commissioners of Laporte county ;

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the Signature of the President.

The committee further report, that on to-day, 10th January, 1845, they presented all of the foregoing bills and joint resolutions to his Excellency, the Governor, for his approval and signature.

On leave being granted,

Mr. Nutter introduced,

No. 385. A bill to incorporate the College Corner and Centreville turnpike company ;

Which was read the first and second times, the rules being suspended therefor, and,

On motion,

Was referred to the committee on corporations.

Mr. McGauhey made the following report, having obtained leave for that purpose :

MR. SPEAKER :

The committee on corporations, to whom was referred the bill of the House No. 347, entitled, a bill to revise an act, entitled, an act to incorporate the city of Logansport, have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage.

No. 347, in said message mentioned,

Was ordered to be engrossed for a third reading on to-morrow.

On leave granted,

Mr. Brecount introduced.

No. 386. A bill to authorize the county commissioners of White county to grant license to clock pedlers ;

Which was read a first and second times, the rules being suspended therefor, when

Mr. Vandever moved to insert within its provisions the county of Orange ;

Which did not prevail.

The rules were further suspended, and the bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Bradley introduced

No. 387. A joint resolution to loan a theodolite to Asbury University ;

Which was read a first time, and ordered to a second reading.

On motion,

The House adjourned to meet at half past six o'clock, P. M.

Half past 6 o'clock, P. M.

The House met.

On leave granted,

Mr. Rosseau introduced

No. 388. A bill for the relief of the collector of Greene county ;

On leave granted,

Mr. Foresman introduced

No. 389. A bill to locate a State road in the counties of Tippecanoe and Warren ;

Which were read three several times, the rules being suspended therefor, and passed.

Ordered, That the clerk inform the Senate thereof.

On leave granted,

Mr. Stephenson introduced

No. 390. A joint resolution on the subject of the Wabash and Erie canal ;

Which was read three several times, the rules being suspended therefor, when

Mr. Robinson of Carroll moved to recommit the bill to a committee with instructions to add the following section :

"SEC. —. That at any such relettings the work so relinquished and abandoned, shall not be relet to the contractor or contractors who so abandoned the work, nor to any person who had any interest in such abandoned contract."

Which motion did not prevail.

The question then recurring,

"Shall the joint resolution pass?"

And the ayes and noes being demanded by Messrs. Mooney and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Bell, Bradley, Brecount, Brown, Bruce, Colms, Conduit, Conner, Davis, Duzan, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hodges, Hostetter, Huckaby, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Matlock, Miller, Montgomery, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Tague, Tingley, Tomlinson, Turman, Vandever, Wolf, Wright of Wayne, and Mr. Speaker—64.

Those who voted in the negative are,

Messrs. Byers, Fuller, Handy, Hannah, Hardin, Hill, Hoggatt, Jones of Fountain, Leslie, Manville, Mooney, Palmer, Robinson of Carroll, Shanks, Shively, Wilson, and Wright of Switzerland—17.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS ON THE SECOND READING.

No. 209. A bill to regulate the jurisdiction of justices of the peace in the counties of Lake and Porter :

Was read a second time, the rules were suspended, the bill was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 134. A bill to reappoint examiners of common school teachers in the county of Switzerland ;

Was read a second time, when,

On motion by Mr. Tague,

Hancock county was inserted within the provisions of the bill.

On motion by Mr. Stophlet,

Allen county was inserted.

On motion by Mr. Vandever,

Orange county was inserted.

The rules were suspended, the bill considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 133. A bill for the repair of roads in certain cases ;

Was read a second time, when

Mr. Little moved to lay the bill on the table ;

Which did not prevail.

Mr. Little then moved to commit the bill to the committee on corporations ;

Which did not prevail.

The bill was then ordered to be engrossed.

Mr. Palmer moved to further suspend the rules and read the bill a third time now.

And the ayes and noes having been demanded by Messrs. Conner and Little,

Those who voted in the affirmative are,

Messrs. Anthony, Boardman, Bradley, Brown, Byers, Cowen, Duzan, Endicott, Foresman, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McGauhey, Manville, Montgomery, Mooney, Odell, Palmer, Pettit, Rose, Shively, Simonson, Smith, Sullivan, Tague, Turman, and Wright of Switzerland—43.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Colms, Conduit, Conner, Ford, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, Matlock, Miller, Nimmon, Nutter, Osborn, Parker, Peek, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Snook, Tingley, Tomlinson, Vandever, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—40.

So the rules were not suspended;

And the bill was ordered to a third reading on to-morrow.

No. 136. A bill extending the provisions of an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to the county of Clay;

No. 137. A bill to restrict the grand jury in Franklin county to time, in their sessions;

Were severally read a second time, the rules were suspended, the bills considered as engrossed, read a third time, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 138. A bill entitled an act to provide for the collection of delinquent taxes, and liquidate the debt due from the State to the common school fund, and for other purposes;

Was read a second time, and,

On motion by Mr. Colms,

Laid on the table.

No. 139. A bill changing the election of school trustees in the counties of DeKalb and Steuben;

No. 141. A bill to provide for a uniform mode of doing township business in Clay county;

Were severally read a second time, the rules were suspended, the bills considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 142. A bill to repeal a part of an act entitled, an act changing the time for the payment of taxes, approved January 15, 1844;
Was read a second time, and,

On motion by Mr. Rose,
Was laid on the table.

No. 144. A bill for the relief of Sintha Parks, widow of Alexander Parks, deceased;

No. 147. A bill for the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe;

No. 151. A bill declaring Deer creek in Perry county a navigable stream;

No. 155. A memorial and joint resolution on the subject of the Cumberland road;

Were severally read a second time, the rules were suspended, the bills and joint resolution were considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 157. A bill to provide for issuing an execution into any county in this State in certain cases;

Was read a second time, and,

On motion by Mr. Rose,
Was laid on the table.

No. 158. A bill to extend the time of holding the Probate court in Montgomery county;

No. 159. A bill to amend the second article of the 42nd chapter of the Revised Statutes of 1843;

Were severally read a second time, the rules were suspended, the bill considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 160. A bill to authorize the county treasurer of De Kalb county to apply certain State revenue in his hands;

Was read a second time; when

Mr. Helwig offered the following amendment:

“Amend so that the Secretary of State be hereby required to forward a certified copy of the foregoing act to the auditor of De Kalb county;

Which was adopted.

The rules were suspended, the bill was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 328. A bill for the relief of the heirs of Noah Noble, deceased;

Was read a second time; and,

During the consideration of the bill,
Mr. Jamison, on leave,

Presented a remonstrance from sundry citizens of Indianapolis against the passage of the bill.

The bill was then considered as engrossed, the rules were suspended, and the bill was read a third time.

The question then being on the passage of the bill,
The ayes and noes were demanded by Messrs. Robinson of Carroll, and Osborn,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Colms, Conner, Davis, Endicott, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Hazelrigg, Hinchman, Hostetter, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Legg, Leslie, McClure of Knox, McGahey, Manville, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Shanks, Shelby, Smith, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Vandever, Wills, Wilson, Wolf, Wright of Switzerland, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Bradley, Brecount, Brown, Byers, Claypool, Conduit, Duzan, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hill, Hodges, Hoggatt, Howard, Kelley, Kerr, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Scott, Matlock, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Rousseau, Shively, Simonson, Snook, and Wright of Wayne—41.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

The rules being suspended therefor, Mr. Rose introduced

No. 391. A bill to correct an error in an act, entitled, an act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named and for other purposes, approved February 9, 1843;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave being granted,

Mr. Leslie made the following report :

MR. SPEAKER :

The committee on claims, to which was referred the memorial of William Stacy, and a claim of H. Bassett, clerk of the United States district court for the district of Indiana, have had the same under consideration, and directed me to report the following resolution :

Resolved, That the committee on ways and means be instructed to incorporate in the specific appropriation bill, an allowance to William Stacy of \$57 50—the balance due on his account for binding the Revised Statutes of 1843 ; also, five dollars for stitching and enveloping a certain public document for the State, making the sum of

\$77 50. Also, to H. Bassett, costs as clerk of the United States district court in the suit of the State of Indiana vs. Jane Miller, et. al., the sum of \$58 26½; and I am further directed to report, that in the opinion of the committee, it is inexpedient to legislate on the subject of the memorial of John Smith.

The report was concurred in, and the resolution was adopted by the House.

Mr. Leslie also made the following report, which was concurred in by the House.

MR. SPEAKER:

The committee on claims, to which was referred the report of the Secretary of State, in answer to a call of the House, touching the cost of the late Revised Statutes, respectfully report, that the several contracts for paper, binding, and distribution, were made by the proper authorities, and have been faithfully executed. The committee find, upon examination, that the Auditor, Secretary, and Treasurer of State, are, by law, charged with the purchase of all the stationery used for public printing, and otherwise find that the present Secretary of State, on account of his interest in the Indianapolis paper mill, has, since being in office, declined acting upon the board in making such contracts. The contracts for stationery for the Revised Statutes with the paper-mill company at this place under the circumstances, and the other contracts for binding and distribution are satisfactory to the committee, and the course of the Secretary of State in relation thereto, the committee consider to be consistent with strict propriety. There being no legislative action necessary on the part of the Secretary's report above referred, the committee ask to be discharged from its further consideration.

On leave granted,

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill incorporating the President, Directors, and Company of the Indianapolis and Andersontown Canal Company, have had the subject under consideration, and directed me to report the bill to the House, without amendment, and recommend its passage:

No. 311. A bill to incorporate the President, Directors of the Indianapolis and Andersontown canal company;

The rules were suspended, the bill was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Manville introduced

No. 392. A bill to repeal the 93rd section of the 2nd article of the 53rd chapter of the Revised Statutes of 1843, so far as the same relates to the county of Brown ;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Miller introduced

No. 393. A bill reviving and amending a certain act, entitled, an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31, 1842 ;

On leave granted,

Mr. Bradley introduced

No. 394. A bill to change the name of the town of Faithville to Parkersburgh in the county of Montgomery ;

On leave granted,

Mr. Pettit introduced

No. 395. A bill in relation to road tax upon canal and school lands in the counties of Wabash and Miami ;

On leave granted,

Mr. Huey introduced

No. 396. A bill to improve the breed of horses in Jay county ;

On leave granted,

Mr. Peek introduced

No. 397. A bill to do justice to the people of Martin county ;

Which were severally read a second time, the rules being suspended, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Tingley introduced

No. 398. A bill defining the various kinds of tariff of the United States, and for other purposes ;

Which was read a first time, and ordered to a second reading on to-morrow.

On leave granted,

Mr. Claypool introduced

No. 399. A bill to vacate the town of Berlin, in the county of Fayette ;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until to-morrow morning at half past eight o'clock.

FRIDAY MORNING, JANUARY 10, 1845.

The House met pursuant to adjournment.

On motion by Mr. Robinson of Carroll,

A call of the House was ordered ;

And it appearing that a quorum was not present, the sergeant-at-arms was sent for the absentees.

The absentees having appeared, the House, as per order, proceeded to the reception of reports.

Mr. Colms made the following report :

MR. SPEAKER :

The committee of ways and means, to which was referred bill of the House No. 200, have had that matter under consideration, and have directed me to report legislation on that subject inexpedient :

No. 200. A bill to require the payment of the revenue into the State Treasury in such funds as are collected by the County Treasurers.

The rules were suspended, the bill was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hazelrigg, from the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom has been referred the subject of the location of the asylum for educating the deaf and dumb, have had the same under consideration, and the undersigned, members of said committee, now make the following report :

That by the 16th section of the act entitled " An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana, approved January 15th, 1844," the Governor was authorized " to receive propositions of donations for the establishment of said asylum at any point where it may be desirable to locate the same."

The Governor, in pursuance of this authority, has laid before the present Legislature the only propositions of donations for this purpose, namely : those of the board of commissioners of Monroe county, and certain citizens of the same county. The proposition on the part of the said commissioners is, that they will levy an annual tax of one cent on every hundred dollars worth of taxable property of said county for ten years, which would yield about \$1,881 31, the

taxable property of that county being \$1,494,000, and increasing at the rate of five per cent. per annum. The subscriptions by individual citizens of said county, as appears from the subscription papers laid before the Legislature, amount to about \$2,475, making, together with amount to be raised by the board of commissioners, \$4,356 31.

These propositions of donations have been made on the condition that the asylum be located in Bloomington, the county seat of Monroe county.

As these are the only proposed donations laid before the Governor, the only question left for the consideration of the committee is, whether Bloomington is a desirable location for the deaf and dumb asylum.

In the permanent location of an institution of this kind, the committee deem three things of such absolute importance, that a location wanting in either, is extremely objectionable. These are, 1st, health, 2nd, cheapness of living, and 3rd, morality amongst the citizens of the place in which the institution is sought to be located.

When it is considered that a large number of the pupils in a deaf and dumb asylum have to be supported at the public expense, it will be perceived by all, that the sooner their education can be completed the less will be the public burden. A single attack of fever or other severe disease, usually deprives the student or pupil of the ability to pursue his studies for weeks; during which time his expenses are also greatly increased for medical and other attendance required by his situation. Besides, if the location is unhealthy, parents of the mutes will be reluctant to send them to the asylum. But the advantage, or rather we would say, the *necessity* of a healthy location is so obvious, that it is unnecessary to dwell longer upon this point.

The location of Bloomington is certainly unobjectionable as regards health. Situated in an elevated and rolling limestone country upon the high lands which divide the streams flowing into the east and west forks of White river, and possessing numberless springs of the purest water, its health is, perhaps, unequalled—certainly not excelled—by that of any other town in the State.

The second important consideration is, *cheapness of living*. As has been already remarked, a considerable number of the pupils will have to be supported at the public charge. Cheapness of boarding, fuel, &c., is a desirable object at all times, but more especially so to our State at *this* time, burdened as it is by debt, and by expenditures necessary to the administration of government. *The lighter the tax for the support of the asylum, the more reconciled will be the people to its establishment.* Bloomington is not a commercial place, and possessing no advantages of water communication, or by railroad, it will remain, as regards living expenses, about what it now is. In private families and at the public houses, boarding can be had at from \$1 25 to \$1 50 per week; and the committee are informed that all the expenses of those students of Indiana University who board in common, do not exceed fifty cents per week.

As it is expected that those pupils of the asylum who will be supported at the public expense, will have their boarding in common, either under the immediate care of the teachers, or in a boarding house established by the trustees of the institution, it is presumed that the expense of boarding will not much exceed, if any, the latter amount, viz: fifty cents per week. The committee, therefore, think that in point of cheapness of living, Bloomington is a desirable location.

But of paramount importance is the third consideration, viz: morality amongst the citizens of the place in which the institution is to be located.

The condition of the deaf and dumb appeals to our sympathies chiefly, because, if uneducated, they are deprived of that moral influence and instruction which exalts man above other existences, and fits him for that rational enjoyment which so greatly promotes his happiness here, and which alone insures it in the hereafter. But of what avail is an education, if, to obtain it, the pupil is brought within those influences which undermine his moral feelings, and finally leave him, it may be, an intelligent, but a depraved being. Better, infinitely better, to suffer him to remain in the darkness of his misfortune, for, to whom little is given, little will be required.

A place, therefore, which is commercial, although it may possess a portion of highly intelligent, moral, and religious citizens, is an unfit location, because it always has its other class—the reverse of that portion we have just named. It always has its coffee houses and kindred places of resort, which insensibly lead to idle and extravagant habits, and finally plunge inexperienced youth into the grosser vices of our nature. This is too often true, even with those under the especial watchfulness of parental care—how much more so as regards young men away from home, who, although they may have excellent men as teachers, yet their *number* is such, that, for the greater part of their time, especially the night time, they are not under the supervision of the teacher. These remarks apply with ten-fold force to mutes, for their misfortune has prevented that early moral instruction, derived from parents, which often preserves the youth free from contamination in the midst of an immoral atmosphere.

These inducements to vice exist not in Bloomington; but, on the contrary, a high moral tone pervades every class of its citizens; and its society, refined by the location of the State University, and other influences, is of that character, in the midst of which the committee deem the unfortunate mute may, not only safely, but happily, be placed.

But the location of Bloomington possesses advantages peculiar to itself, which the committee will briefly notice.

As we have just remarked, it is the location of our State University, and from the proximity of the two institutions, an increased interest in the prosperity of the asylum would be felt by the faculty and trustees of the University. The more so would this be the case

from that provision in the bill accompanying this report, which makes the trustees of the University the trustees of the Asylum. They are men of weight and influence, selected from different parts of our State, and will, consequently, exert an influence in behalf of the asylum.

By another provision of the bill, it will be seen that the free use of the philosophical apparatus and library of the University is guaranteed to the pupils and teachers of the Asylum, as well as the right to witness the philosophical experiments of its professors. By such connection between the two institutions, the State will be saved of great expense in the purchase of a library and apparatus.

But by far the greatest advantage consequent upon this proximity of the University and Asylum, as seems to the committee, arises from the number of young men receiving their education at the University. Its last catalogue shows that 160 students were in attendance the last collegiate year, and there is an increased number this session over the last of about twenty. These young men come from every portion of our State, they remain there from two to five years, and will in that time, by obtaining an intimate knowledge of the nature of the Asylum, have their sympathies so warmly enlisted in its behalf, that they will impart no inconsiderable portion of it amongst those with whom they may live after leaving the University. And thus will they give a more extended popularity to the Asylum.

They will, in all probability, obtain, too, such knowledge of the signs of communication used by the mute, as will enable them to converse with him, when both having left their respective institutions, associate together as citizens.

The committee will only add, that stages pass through Bloomington from this place, Louisville, Columbus, and Terre Haute, thus giving that mode of communication to those who may desire to go to the Asylum. Monroe county, as the committee are informed, has upwards of thirty mutes, and this fact, of itself, must always elicit a warm feeling among its citizens in behalf of the Asylum.

From these considerations, the members of the committee think that the location at Bloomington is a desirable one, and recommend it accordingly. They, therefore, accompany this report with the following bill, and recommend its passage.

H. G. HAZELRIGG,
CALEB GARRETT.

No. 400. A bill to establish an asylum for the education of deaf and dumb persons ;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Barclay, chairman of the committee on education, made the following report, from the minority of said committee :

MR. SPEAKER :

The undersigned, a part of the committee on education, to whom was referred the memorial and documents in relation to a removal of the deaf and dumb asylum to Bloomington, dissenting from the conclusions of the rest of said committee, beg leave to make the following report :

Without troubling the House with any detailed argument, we object to the proposed removal of this institution for the unfortunate mutes of this State for the following reasons :

1st. This change of location is not called for, so far as we can learn, by a majority or any respectable portion of the parents or friends of the mutes who are now enjoying the benefits of the institution given gratuitously by the State to the asylum ; on the contrary, it is understood that the location at the seat of government would be preferred by a majority of the relatives : And what we conceive to be a matter worthy of consideration, the present estimable and efficient principal of the institution, Mr. Willard, although with commendable propriety very unwilling to interfere, we are satisfied from indisputable authority, would prefer the present location, believing that the interest of the institute is thereby best promoted.

2nd. That when so much of information has to be attained by the eye only, as with the mute, it is important that all the various spectacles exhibited to the sight in the legislative, judicial and civil assemblages occurring at the seat of government, should be inspected by the mute pupils, as contributing essentially to their intelligence and happiness.

3rd. That however much temporary interest may be excited in expectation of the establishment of the institution at Bloomington, the result of the experience of Ohio on this subject has manifestly been, that for such institutions to acquire the highest usefulness, they should be at or near the seat of government, as their support *for its permanent and disinterested source* has to rest on the benevolent and charitable feelings of the people of the State who are taxed, as their representatives assess for such objects.

4th. That the control and supervision, which are always required on the part of the General Assembly by their constituents, as to the economical and judicious application of the means raised from them by taxation for benevolent as well as all other objects, cannot be as satisfactorily exercised over the asylum if at Bloomington, as while at the seat of government ; and that the correction of abuses, disputes and contentions which sometimes arise even in the best ordered institutions of learning, could be more readily adjusted under the immediate inspection of the General Assembly, than by any reports, or the visits of examining committees, or the presentation of contradictory memorials or complaints from a distance.

5th. That the interest to be excited and constantly maintained towards such objects of benevolence and public charity will

be altogether better secured by the asylum remaining at the seat of government, than by removing it to Bloomington; as this place is necessarily visited in the course of the year by persons engaged in most of the counties of the State in the judicial and financial as well as the legislative departments of public business.

6th. That the undersigned so far from conceiving that the Asylum has been regarded with indifference by the citizens of Indianapolis, are happy to learn that the Institution owes its commencement in a great degree to the kind interest taken in the object by citizens of this place; and that the location of the Institution at this place was originally recommended at a large meeting of the gentlemen of the bar and others from various parts of the State.

7th. That the public spirit manifested by the citizens of Indianapolis in the erection of large, commodious and appropriate houses of public worship, having reference to the assemblage of the members of the General Assembly and other strangers here, entitle them to the grateful regard of strangers sojourning with them; and that the uncommonly well filled sabbath schools in Indianapolis, (the number of scholars averaging over 800 in attendance out of about 1000 children of suitable age to attend, as we learn,) and the general good order prevailing on the Sabbath and at other times, give pleasing testimony, that the influences surrounding the pupils of the asylum at the seat of government are salutary and commendable.

8th. That the undersigned cannot learn, from every inquiry, that Indianapolis is to be justly regarded as being in any degree whatever inferior to the general character of cities or towns in the west as to health; for its large population, and considering the exposure of strangers congregating for months together in the confinement incidental to legislative and other public duties, more than is experienced by the resident citizens of other towns, we are decidedly of the opinion, that a residence at Indianapolis should be deemed as safe from pestilence or disease as at Bloomington.

9th. And that the removal of the asylum, if it takes place at all, ought to be the result of a published notice to all the towns of the State, that offers may be made at any point for the location, and also that the people may have an opportunity of informing their representatives next session, whether they desire the location of the asylum at any other place, than the seat of government.

For these reasons, and believing, that although a section of law has been in the statute book, as to receiving offers on this subject, the people have *not been generally acquainted* with the contemplated project of removal; that *they have not asked for it*; and that if fully apprized of the effort now being made, they would *strongly remonstrate against such a removal*. The undersigned are clearly of the opinion, that the prayer of the memorialists ought not to be granted. We cannot conclude without expressing our admiration of the liberality which is manifested by the citizens of Monroe county in their individual as well as corporate capacity, by the donations

they propose to make in the event of the location at Bloomington. Yet we are forced to say, that in making a permanent location of a State Institution of such a character, we do not consider that even such an offer should influence in a very great degree.

JNO. M. BARCLAY,

A. D. HAMBRICK.

Mr. Walker has signified his dissent to a removal and voted in committee against it, but owing to his present illness, was not called on for his signature to this report.

Mr. Anthony made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution of the House, instructing the said committee to enquire into the expediency of making all persons who voluntarily appear before the grand jurors as prosecuting witnesses liable for the costs in such cases, have had that matter under consideration, and have instructed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Anthony also made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred resolution of the House in relation to selecting grand and traverse jurors, so that the county commissioners of each county shall select any discreet householder and freeholder resident of their respective counties who now are entered on the tax list, and so to dispose of them as to cause all to be summoned as such jurors before any other selections shall be made, have had that subject under consideration, and have instructed me to report that a bill has passed this House on the subject, and ask to be discharged from a further consideration thereof.

Which report was concurred in.

Mr. Robinson of Carroll made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred bill of the House No. 81, to diminish the costs and expenses of defendants in suits at law, have had the same, together with a proposed amendment, under consideration, and, with the adoption of said amendment, commend its passage :

The amendment of the committee to bill

No. 81, in the above report mentioned,

Was concurred in ;

And the bill considered as engrossed, and read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson of Carroll also made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred bill of the House, entitled, a bill relative to guardians and wards, report the same back to the House, and recommend its passage.

No. 278. A bill relative to guardians and wards in said report mentioned,

Was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Smith moved to reconsider the vote taken on the passage of bill of the House,

No. 399. To do justice to the citizens of Martin county ;

Which did not prevail.

Mr. Vandever made the following report, which was laid on the table :

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution of the House instructing them to enquire into the expediency of providing by law that persons who have purchased any of the saline lands that have become forfeited to the State, or that may hereafter become forfeited, that such person or persons may relinquish a part of said land to the State, &c., have had the same under consideration, and instructed me to report the following bill, having in view the accomplishment ultimately of the object contemplated in said resolution, and recommend its passage.

No. —. A bill for the relief of the purchasers of saline lands in the county of Orange.

Mr. Simonson made the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred a resolution to enquire into the expediency of providing for the summoning jurors in the probate court, have had the same under consideration, and directed me to report the following bill, and recommend its passage :

No. 401. A bill in relation to proceedings in probate courts;
Was read three several times, the rules being suspended therefor,
and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Palmer made the following report, which was concurred in:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of Seth Henderson and 714 others, have had that subject under consideration, and have directed me to make the following report:

That however meritorious and praiseworthy the object of your petitioners may be, in asking the repeal of those laws mentioned in the petition, and the enactment of such laws as would make it a penal offence to aid in recapturing a fugitive slave, your committee are of opinion that a large majority of the citizens of this State are adverse to granting the prayer of your petitioners; they, therefore, deem it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

Mr. Osborn made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred Senate bill No. 82, "A bill relative to the office of county treasurer," have considered the same, and directed me to report the same back to the House without amendment, and recommend its passage; and ask to be discharged from the further consideration thereof.

Bill of the Senate,

No. 82. A bill relative to the office of county treasurer;

On motion by Mr. Hodges,

The bill was recommitted to the judiciary committee.

Mr. Pettit made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of Michael Hackelman praying for relief, have had the same under consideration, and instructed me to report legislation thereon inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in.

Mr. Pettit also made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a bill of this House concerning releases, have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

No. 374. A bill concerning releases;
Was ordered to be engrossed for a third reading on to-morrow.
Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred divers petitions for divorce, have instructed me to report the following bill, and recommend its passage:

No. 402. A bill for the relief of certain persons therein named;
Which was read a first time, when

Mr. Vandever moved to reject the bill.

And Messrs. Vandever and Palmer having called the ayes and noes,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Brown, Claypool, Conner, Cowen, Davis, Duzan, Fry, Gregory, Grubbs, Hambrick, Hauser, Helwig, Herod, Heustis, Hill, Hostetter, Jones of Fountain, Kelley, Lewis of Dearborn, Little, McAllister, McClure of Knox, Matlock, Moon-ey, Nutter, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rose, Shanks, Snook, Stophlet, Sullivan, Tague, Tomlinson, Vandever, Wills, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—44.

Those who voted in the negative are,

Messrs. Anthony, Bell, Bradley, Brecount, Bruce, Byers, Colms, Conduit, Ford, Foresman, Fuller, Garrett, Handy, Hannah, Hardin, Hazelrigg, Hinchman, Hodges, Hoggatt, Howard, Huckaby, Huey, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, McClure of Scott, McGauhey, Manville, Miller, Montgomery, Nimmon, Odell, Palmer, Peek, Pettit, Rosseau, Simonson, Smith, Stapp, Tingley, Turman, Wilson, and Wolf—45.

So the bill was not rejected;

And was ordered to a second reading on to-morrow.

Mr. Pomeroy made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Elkhart in regard to the jurisdiction of justices of the peace, have had the same under consideration, and have instructed me to report legislation on that subject inexpedient.

Which was concurred in by the House.

Mr. Pomeroy also made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of sundry citizens of Hancock county in regard to the fees of county auditor, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage:

No. 403. A bill providing for the fees of the auditor of Hancock county;

Which was read a first time, and,

On motion by Mr. Tague,

Was rejected.

Mr. Pomeroy made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of sundry citizens of Wayne county upon the subject of trespass, have had the same under consideration, and requested me to report legislation on that subject inexpedient and unnecessary; and ask to be discharged from a further consideration of the same.

Which report was concurred in.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on education, to whom was referred bill No. 363 of the House, have directed me to report the same back without amendment, and recommend its passage.

No. 363. A bill to amend an act entitled, "An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana," mentioned in the above report;

Was considered as engrossed, read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Leslie, from the committee on claims, made the following report:

MR. SPEAKER :

The committee on claims, to which was referred a bill of the House No. 359 entitled, "A bill for the relief of purchasers of certain canal lands lying in the county of Cass," have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage:

No. 359, in said report mentioned,

Was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wilson, having obtained leave, introduced

No. 405. A bill authorizing the school trustees of the proper townships in Harrison county, to hear and determine certain applications for relief of purchasers of school lands;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred the petition of sundry citizens, praying for the extension of the time of payment of moneys due on the purchase of canal lands, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject and ask to be discharged from the further consideration of the same:

Which report was concurred in.

Mr. Blakemore made the following report:

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred the petition of Hyacinth Lasselle, in relation to damages sustained by him on the Wabash and Erie canal, have had that matter under consideration, and have directed me to report the following bill:

No. 406. A bill for the relief of Hyacinth Lasselle ;

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Huckaby made the following report:

MR. SPEAKER :

The committee on agriculture, to whom was referred the following

communication of his excellency, the Governor, enclosing several forms, and a circular letter of the Treasurer of the United States requesting certain statistical information of this State; which letter of the Governor is as follows, viz:

To the House of Representatives:

By the joint action of the two Houses of Congress at their late session, the following resolution was adopted:

“*Resolved*, That the Secretary of the Treasury be, and he is hereby authorized to transfer from any office or offices of the Treasury Department, from which their services may, in his opinion, be dispensed with, three or more clerks, to be employed under his direction, in collecting, arranging, and classifying, such statistical information as may be procured, showing or tending to show, each year, the condition of the agriculture, manufactures, domestic trade, currency and banks of the several States and Territories of the United States.”

The Register of the Treasury Department, in the discharge of the duty of carrying this resolution into effect, which devolved on that branch of the public service, has addressed to me the enclosed circular, calling on the authorities of this State for such statistical information as will be necessary to enable that department to comply with the spirit and intent of the foregoing resolution. Blank forms for the collection of the information sought, were also transmitted with the same communication, and are herewith enclosed. As the information desired is generally beyond the power of the Executive to communicate, with any satisfactory approximation to certainty, the subject is referred to the Legislature for such action thereon as may be deemed advisable.

With great respect,

JAS. WHITCOMB.

January 4, 1845.

Have had the same under consideration, and have directed me to report that, owing to the late hour of the session, it is impossible to give the subject that attention its importance demands. The necessity of our State taking some steps towards acquiring a knowledge of its own statistics, seems to your committee apparent, and the trifling expense to be incurred should not prevent some well digested effort.

It occurs to your committee that this cannot, in any way, be so well done as through the assessors of each county, at the joint expense of the State and county. They have, therefore, directed me to report a bill in furtherance of the object; No. 407, entitled a bill to collect and arrange certain statistical information relative to agriculture and other branches of industry, which they recommend be read three times by the title and unanimously passed.

Mr. Lewis of Dearborn, and Mr. Hardin dissent from the above report.

No. 407, in said report mentioned,

Was read a first time and ordered to a second reading.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the House, No. 346, to incorporate the Lagrange Phalanx, have had the same under consideration, and directed me to report it to the House and recommend its passage.

No. 346. A bill to incorporate the Lagrange Phalanx;

Was considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the Senate, No. 214, entitled a bill to amend an act to incorporate the Cambridge City and Venice Turnpike company, have considered the same, and directed me to report the bill back to the House, with two amendments, and after the adoption of said amendments, to recommend its passage.

1st. Strike out in the 5th section, second line, after the word "Huett," "John Spivy and,"

2nd. Add after the word "Rider," at the end of the second line, 5th section, in the county of Union, and John Spivy, George Fryberger, and Elisha Vance, in the county of Fayette.

The amendments of the committee to bill of the Senate No. 214, in the above report mentioned, were concurred in;

And the bill was read the third time, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof, and respectfully ask their concurrence in said amendments.

Mr. Claypool, also, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the Senate No. 152, entitled, "A bill to incorporate the Lafayette and Ohio Turnpike company," have had the same under consideration, and directed me to report the bill to the House with one amendment, and, after the adoption of said amendment, to recommend its passage:

Strike out the words "Wyandott Village and Jefferson" in the 5th section of said bill.

The amendment of the committee to bill of the Senate

No. 152. A bill to incorporate the Lafayette and Ohio Turnpike Company,

Was concurred in by the House;

And the bill was read a third time, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the following enrolled with the original bills of the House, and find the enrollment correctly made:

No. 38. An act to authorize the board of commissioners of Bartholomew county to erect a toll bridge across the Driftwood Fork of White river at Columbus;

No. 58. An act to repeal a part of section 56, chapter 12, Revised Statutes of 1843;

No. 296. An act authorizing the county commissioners of DeKalb county to assess a road tax;

No. 44. An act to repeal the act entitled, "An act relative to overseers of the poor," approved January 15, 1844, so far as the same is in force in Bartholomew county;

No. 84. An act to regulate the fees of county treasurers for receiving and expending the county seminary fund;

No. 310. An act amendatory of an act for the relief of the securities of W. H. Darnell, former school commissioner of Hendricks county;

No. 83. An act to authorize plaintiffs to collect the bid of purchasers at sheriff's and constable's sales, and to repeal the 429th section of the 40th chapter of the Revised Statutes of 1843;

No. 86. An act to authorize George French to construct a mill dam across the Wabash river;

No. 283. An act to re-locate the county seat of Martin county.

The committee further report that they did, on the 10th day of January, 1845, present all of the foregoing acts to his Excellency, the Governor, for his approval and signature.

Mr. Claypool made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the House No. 385, entitled, "A bill to incorporate the College Cor-

ner Turnpike Company," have considered the same, and directed me to report the same to the House, and recommend its passage:

No. 385. A bill to incorporate the College Corner Turnpike Company;

Was considered as engrossed, and read the third time, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Mooney made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the petition of D. C. Kiff and 116 others, citizens of Fountain county, praying for the charter of a railroad company from Attica via Newtown to Crawfordsville, have had the same under consideration, and directed me to make the following report:

That the bill already passed by this House relative to that subject, leaves it optionary with said petitioners to make said place a point, and consequently they deem further legislation on the subject unnecessary and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Mooney also made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred the petition of Robert Wilson and 153 others, citizens of Fountain county, praying for a charter for a railroad from Attica, on the Wabash and Erie canal, to Crawfordsville, have had that subject under consideration, and directed me to make the following report:

That the bill which passed this House at the present session, relative to that subject, makes that place a point, and consequently the object of the petitioners is already accomplished, and they deem further legislation on that subject unnecessary, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

Mr. Mooney also made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the House No. 178, to encourage manufacturers, have examined the contents of said bill, and directed me to report the same back to the House, and recommend its indefinite postponement, and ask to be discharged from the further consideration thereof.

Which report and bill was,
 On motion by Mr. Stapp,
 Laid on the table.
 Mr. Parker made the following report :

MR. SPEAKER :

The committee on corporations, to which was referred bill of the House No. 313, entitled, an act to incorporate the Logansport brass band, have had that subject under consideration, and have directed me to report it back without amendment, and recommend its passage.

No. 313, in the above report mentioned,
 Was considered as engrossed, and read the third time, and passed.
Ordered, That the clerk inform the Senate thereof.
 Mr. McClure of Knox made the following report :

MR. SPEAKER :

The committee on the State Bank, to which was referred the reports from the State bank and branches thereof, as also the report of the directors of the sinking fund, have had said reports under consideration, and have directed me to report the following resolution, to-wit :

Resolved, That the reports of the State bank and the branches thereof, together with the report of the sinking fund commissioners, be laid on the table, and that ——— copies of each be printed and placed in the documentary journal.

Which resolution was adopted.

Mr. Stapp made the following report :

MR. SPEAKER :

The committee on the State bank, to which was referred No. 237, "A bill to amend an act, entitled, an act to provide for the reduction of the State and individual stock in the State bank, and for other purposes," passed February 2, 1843, have had the same under consideration, and made an amendment, to-wit :

Strike out from the enacting clause and insert a new bill.

Which amendment was concurred in, and the same considered as engrossed, and the bill read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stophlet made the following report :

MR. SPEAKER :

The committee on the State bank, to which was referred a reso-

lution of the House requiring them to enquire into the expediency of directing proceedings against certain branches of the State bank for not dividing six per cent. interest per annum, have had that subject under consideration, and directed me to report, that the 57th section of the bank charter makes ample provisions for such cases, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

Mr. Rich made the following report :

MR. SPEAKER :

The committee on federal relations, to whom was referred a resolution on the subject of Oregon Territory, have had that subject under consideration, and directed me to report the following joint resolution, and recommend its passage :

No. 40S. A joint resolution on the subject of Oregon Territory ;
Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

Mr. Smith made the following report :

MR. SPEAKER :

The committee on federal relations, to whom was referred a resolution of the House, requesting your committee to enquire into the expediency of reporting a joint resolution instructing our Senators and requesting our Representatives to vote for a law repealing the duty on foreign salt, have had that subject under consideration, and directed me to report it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in.

On motion by Mr. Stophlet,

No. 343. A joint resolution relative to interest on the Wabash and Erie canal land, east of Tippecanoe ;

Was taken up and referred to a select committee of Messrs. Stophlet, Wolf, and Nutter.

Mr. Bell made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of the counties of Madison and Henry, praying the location of a turnpike from Newcastle in Henry county, through Cadiz and Columbus to Andersontown in Madison county, have had the same under consideration, and favoring the prayer of said peti-

tioners, report the following bill, and respectfully recommend its passage.

No. 509. A bill to incorporate the Newcastle and Andersonstown turnpike company ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barclay made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of sundry citizens of Laporte county, in relation to the extension of a State road in said county, to Winnamac in Pulaski county, have directed me to report the following bill, and recommend its passage.

No. 410. A bill for the extension of a State road in Laporte county, to Winnamac in Pulaski county ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Shelby made the following report :

MR. SPEAKER :

The select committee, to whom was referred the petition of the seminary trustees and commissioners of Tippecanoe county, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 411. A bill for the relief of the county seminary of Tippecanoe county ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Shanks made the following report :

MR. SPEAKER :

The select committee, to whom was referred a petition to attach a part of the county of Grant to the county of Blackford, together with a remonstrance against the same, have had the subject therein embraced under consideration, and have directed me to report that it is inexpedient to legislate on the subject at the present session, and ask to be discharged from the further consideration thereof.

Which,

On motion by Mr. Pettit,

Was laid on the table.

Mr. Byers made the following report :

MR. SPEAKER :

The committee to which was referred the petition of the citizens of township No. 10 north, of range No. 1 west, in Monroe county, praying the passage of a law authorizing the several districts in said township to retain their respective proportions of such school funds unexpended for three years, in order that said funds may be more adequate to the support of schools in said township, have had the subject under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 412. A bill relative to the school funds in township No. 10 north, of range No. 1 west, in Monroe county ;

Was read three several times, the rules being suspended therefor, considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Pettit made the following report :

MR. SPEAKER :

The undersigned, a member of a select committee, to whom was referred a petition of citizens of the counties of Kosciusko and Fulton, praying that a portion of the territory of said counties may be attached to the county of Wabash, and also a remonstrance from citizens of said counties dissenting from the opinion of the majority of said committee, beg leave to report,

That the proper guide to legislative action upon such applications should seem to be the wish of the people of the territory desired to be set off. Governed by this rule, the present application deserves to be successful, for the proof before the committee, exhibits a feeling within the territory desired to be set off almost without exception in its favor.

It deserves to be mentioned, that a portion of the same territory was last year detached from the county of Miami, and attached to the county of Fulton, without the knowledge and against the wish of those of the county of Miami, as well without as within said district. The act by which this was done, has cut them off from their usual market, the Wabash and Erie canal, at the sessions of Court when it best suits their convenience to transact their business there. From their equal vicinity to the county seat of Wabash county; the fact that the Wabash and Erie canal, running through the county of Wabash, forms their whole market; from the fact, that the congressional township in which the applicants live, if lying wholly within one county, would enable them to shape their school districts and direct their school business with more convenience and advantage than where divided among three counties, as now; and for the greater

additional reason, that the wish of the people of the district is so unanimous upon the subject, while no serious injury is likely to accrue to the counties of Fulton and Kosciusko, the undersigned has been compelled to dissent from the opinion of the majority of the committee.

He therefore begs leave to submit the accompanying bill, and respectfully recommend its passage.

JOHN U. PETTIT.

No. 413. A bill changing the county boundaries of the counties of Wabash, Fulton and Kosciusko ;

Was read a first time, and ordered to a second reading.

Mr. Colms made the following report :

MR. SPEAKER :

The select committee, to which was referred a petition from the counties of Fulton, Wabash, and Kosciusko, praying a township from each of the counties of Kosciusko and Fulton be attached to the county of Wabash, find, upon an examination, that said counties are now in a proper shape, and that by an alteration of the same, it would derange and throw all the counties interested into an ill shape, when, in fact, the boundaries of said counties are now in a straight line east, west, north, and south, and that it would be bad policy to alter or change the same. Your committee also have before them a remonstrance from the county of Fulton, alone, with more than double the number of names than the petition. Said remonstrance also states that the petition was fraudulently gotten up, and that there were false statements made in order to procure said signers. We also find that the law of 1841, page 149, has not been complied with. Said petition proposes to take from the county of Kosciusko the south-west township of the same. Also, the south-east township of the county of Fulton, which, if done, will take a township from each of the said counties above named, when, in fact, the citizens of said counties are opposed to the same.

A majority of said committee would therefore report it inexpedient to legislate upon the subject prayed for in said petition, and ask to be discharged from the further consideration thereof.

S. H. COLMS,
W. G. POMEROY.

Mr. Pomeroy made the following report:

MR. SPEAKER :

The undersigned, one of the select committee to whom was referred a petition of sundry citizens of the county of Miami, in relation to the territory of the counties of Miami and Fulton, begs leave to in-

form the House that he has discovered an error in the Statute of 1844, in regard to the territory of said county of Fulton, and therefore reports the accompanying bill and hopes the same may pass. This bill is reported with the unanimous consent of said committee:

No. 414. A bill to amend an act entitled an act to detach certain territory from the county of Miami and attaching the same to the county of Fulton, approved January 15, 1844;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson of Carroll, made the following report:

MR. SPEAKER:

The select committee to whom was referred the "message of the Governor and accompanying communications from the bondholders on the subject of the State debt," have had that subject under consideration, and have directed me to report that, in their opinion, the passage of the bill now before the House, entitled "A bill in relation to the public debt," No. 307, would tend to advance the interests of the State, as also of our creditors at home and abroad. They, therefore, respectfully recommend the speedy passage of that bill, and ask to be discharged from the further consideration of this subject.

Which report was concurred in.

Mr. Robinson of Carroll, moved to suspend the rules and take from the files

No. 307. A bill in relation to the public debt.

And the ayes and noes having been demanded,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Cowen, Davis, Duzan, Fuller, Garrett, Grubbs, Handy, Hannah, Hardin, Hauser, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Palmer, Peek, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Smith, Snook, Tingley, Turman, Vandever, and Wright of Switzerland—41.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Byers, Claypool, Colms, Conduit, Conner, Ford, Foresman, Fry, Hambrick, Helwig, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nutter, Odell, Osborn, Parker, Pettit,

Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Stapp, Stophlet, Sullivan, Tague, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—51.

So said motion was decided in the negative.

Mr. Stophlet made the following report:

MR. SPEAKER:

The select committee to which was referred the joint resolution No. 343, entitled a joint resolution in relation to interest on Wabash and Erie canal lands east of Tippecanoe, have had the same under consideration, and direct me to report the same back to the House, without amendment, and recommend its passage:

No. 343, in the above report mentioned,

Was considered as engrossed, read a third time, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Jamison obtained leave to withdraw a certain remonstrance from the files of this House against the vacating of certain streets in Indianapolis.

Mr. Rich made the following report:

MR. SPEAKER:

The committee on federal relations, to whom was referred so much of the Governor's message as his excellency has taken occasion to extend beyond the record of the affairs of our beloved State, over which we, as Representatives, and he, as the Executive, have control, to the consideration of the tariff, and matters in which, as citizens, we have certainly a common interest and a common voice, but with which, considering the relation we now hold, we have little to do except so far as we may be electors of a Senator of the United States, in which last capacity his excellency will excuse us if we should prefer the instructions and advice of our constituents before his; have had the same under consideration, and have directed me to report that while your committee admit that several truisms are stated by his excellency in relation to tariffs and State debts, yet so far from your committee being of the opinion that the deductions therefrom have been wholesomely drawn; they believe, on the contrary, quite the reverse. Suffer your committee, in two words, to express the modest opinion that if the two hundred millions, the amount of State debts referred to by his excellency, had been obtained from abroad in gold and silver, instead of finding its way here in the shape of foreign goods, as is alledged by his excellency, that the country would have supplied itself with the same amount of goods of home manufacture, while it would now have the money borrowed to return to

its creditors without reducing its circulation below the amount existing at the time these loans were contracted.

These loans would have been received in money instead of being received in goods, had the true tariff policy of this government obtained, at the time they were contracted.

Mr. Pettit made the following report :

MR. SPEAKER :

The select committee, to whom were referred the petition of Zera Sutherland asking for relief, and the accompanying papers, in substantiation of its statements, and also the report of the committee of canals and internal improvements, have had the same under careful consideration, and directed me to submit the following :

The facts upon which the application is founded, as the committee are able to learn them, from the examination of the original contract, the statement of Mr. Ball, formerly acting engineer upon the cross-cut canal, and from witnesses examined by the committee, are these: Mr. Sutherland, in November, 1836, contracted with the State for the construction of that portion of the Eel river feeder of the cross cut canal in section one, together with the Eel river dam on the same section. The bed of the river at the point designated for the erection of the dam, being of quicksand, it became necessary in order to secure the dam when it should be completed, from being undermined by the action of the water, to protect it by an apron of stone, extending below it some distance down the river. In doing this, and in building the abutments, and in making permanent the bed of the river above the dam, a quantity of stone, amounting to some 15,000 or 20,000 yards, was obtained and used by Mr. Sutherland. The stone was got from the land adjacent, the same being government land at the time the contract was entered into. For the work done, the petitioner has been fully paid under the provisions of an act, approved January 31, 1843, authorizing the commissioner of the Wabash and Erie canal, to settle with him for work done, and caused to be done there, and no claim whatever is now made for compensation.

The contract itself is silent as to which party the materials for this work were to be furnished by. But proof has been adduced before this committee, to show, and showing conclusively, that at the time of letting this contract, the agents of State held out the inducement and assured the contractors, that no expense should be incurred by them for materials. A quarry was near by upon lands then belonging to the General Government, which was opened by Mr. Sutherland and used. Mr. Kendall, having soon after entered the land upon which the quarry was situated, the direction of the State engineer became necessary, in order to warrant the further use of it. This was given to Mr. Sutherland, who pursued, as by his contract he was compelled to, the direction of the engineer, and the remedy of Mr.

Kendall was then to be sought under the statutes then in force, which made ample provision for him. Surely, under the laws existing at the time, and from the character of the contract made by Mr. Sutherland with the State, he was in no manner liable for the materials he employed, although the State had made herself so, by her own statutes.

Some three years since, Mr. Sutherland was sued by Mr. Kendall, in the Clay circuit court, for the materials furnished upon this work, and a judgment obtained against him for \$137 50, and costs. An appeal was taken to the supreme court. It had appeared in evidence that Mr. Sutherland, during the progress of the work, had used some stone out of the quarry to make hearths and chimneys for his *shanties*, and also, two grave-stones for a child that had died, while his work was in progress, and it was urged by counsel upon the trial, that this unauthorized, though trifling use of materials for his own purposes, created him a trespasser as to all, and of consequence, made him liable for their entire value. As this was the alleged ground of liability assumed by counsel, both in the court above and below, your committee are compelled to believe, that the judgment in the circuit court, and the affirmation of it by the supreme court, were based upon this reason. When affirmed, the judgment, with a large accumulation of costs, was returned to the Clay circuit court, and now stands against him in full force, and the appliances of sheriffs and executions, are busy at his property to realize the amount out of it. How, when Mr. Sutherland had used but two plain slabs to mark the spot where the remains of his child were lying, and the State had used her thousands of cubic yards, such a decision could be made, your committee are at a loss to conceive; for however good in law such a rule may be, it is evidently wanting in good sense. Mr. Sutherland now asks that his technical liability under the judgment of the court, may not prevent the State from making payment for these materials, as by her statutes, she stood pledged to do, and becoming a substitute in his place in said judgment.

Your committee, convinced of the accuracy of these statements from the concurrence of several witnesses in making them, and of the justice of this claim, have instructed me to report the accompanying bill, and respectfully recommend its passage.

No. 415. A bill for the relief of Zera Sutherland ;

Which was read the first time and ordered to a second reading on to-morrow.

Mr. Stapp obtained leave to withdraw the papers in the case of Morledge.

Mr. Osborn obtained leave that certain papers, &c., in the case of Mrs. Noble, might be withdrawn from the files of this House.

Mr. Pettit made the following report :

MR. SPEAKER:

The select committee, to whom was referred the petition of citizens of the county of Jasper, praying a change of the county seat from Rensselaer, to the town of Newton, one mile below on the Iroquois, have had the same under consideration, and expressing as your committee believe it does, the wish of a majority of the citizens of said county, have instructed me to report the following bill, and respectfully recommend its passage.

No. 416. A bill to relocate the seat of justice of the county of Jasper;

Which was read the first time and ordered to a second reading.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill thereof, entitled, as follows:

No. 254. An act to grant new trials in certain cases therein named;

In which I am directed to ask respectfully the concurrence of this House.

No. 254, of the Senate, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hill made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Richardville and Clinton counties, praying for a change of the county lines between the said counties, by attaching a portion of Clinton county to Richardville county, have had that subject under consideration, and have directed me to report, that however just and proper the proposed measure may be, your committee conceive that it would be highly impolitic to legislate upon the subject at this session of the General Assembly, and particularly for the reason, that the petitioners have not complied with the statute in such cases provided, by advertising their intention to make this application thirty days before circulating their petitions, and your committee ask to be discharged from the further consideration of this subject.

Which report was concurred in by the House.

Mr. Palmer made the following report :

MR. SPEAKER :

The committee, to whom was referred the petition of John P. Case, and Abraham Hyter, administrators of the estate of John Case late of Dearborn county, deceased, have had that subject under consideration, and after a careful examination, have come to the following conclusions : That in the construction of the White Water Canal, Joseph Cooper, a contractor on section 30 of said canal, procured an order, signed by Simpson Torbot, the resident engineer on said canal, directing the said Cooper to enter upon the lands of the said John Case, and take therefrom, oak, and other timber, for the construction of the said canal, and in accordance with the order thus given, the said Cooper did enter upon the land of the said Case, and take therefrom 8000 cubic feet of oak timber, which was worth at that time three cents per cubic foot, and 2000 cubic feet of ash and hickory timber, which was worth at that time, two cents per cubic foot. And that upon a final settlement with the said Cooper, the engineer retained out of the amount due the said Cooper, a sum sufficient to pay for the above named quantity of timber as will appear by an affidavit of the said Cooper, accompanying the above named petition, and that the said John Case, nor his administrator, have ever received any compensation for the said timber, as will appear by the affidavits of the said administrators. The committee therefore, have directed me to report the following bill, and recommend its passage.

No. 417. A bill for the relief of John P. Case, and Abraham Hyter, administrators of the estate of John Case, late of Dearborn county, deceased ;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Pettit made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to whom was referred the petition of citizens of La Gros, in the county of Wabash, praying that the commissioner of the Wabash and Erie Canal may be directed to construct a sufficient vent or vents to the aqueduct over the creek in the town of La Gros, to pass off the water, have had the same under careful consideration, and directed me to report the accompanying bill.

No. 418. A bill to authorize the superintendent of the Wabash and Erie Canal, to construct an additional vent or vents to the cul-

vert over the creek in the town of La Gros, in the county of Wabash;

Which was read the first and second times, the rules being suspended therefor, and ordered to be engrossed for a third reading.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, without amendment, engrossed bills of the House of Representatives of the following titles, viz:

No. 45. An act to authorize supervisors to purchase suitable tools to work the roads with;

No. 114. An act to authorize the borrowers of the congressional township fund, to secure their loans by lands within the proper congressional townships;

No. 305. An act for the relief of George French of Adams county.

The Senate have also passed engrossed bills and joint resolution thereof, of the following titles, viz:

No. 207. An act in addition to the ninth article of the thirteenth chapter of the Revised Statutes;

No. 240. An act incorporating the Ciceronian society of Franklin college;

No. 241. An act for the benefit of the clerk of St. Joseph county;

No. 242. An act for the relief of James Silvers of Rush county;

No. 244. An act in relation to water power on the Wabash and Erie canal;

No. 239. A joint resolution on the subject of repudiating State debts;

In all of which bills and joint resolution I am directed, respectfully, to ask the concurrence of the House of Representatives.

Bills Nos. 207, 240, 242, and joint resolution No. 239, in said message mentioned, were severally read a first time, and ordered to a second reading.

Nos. 244 and 241, in said message mentioned, were severally read three times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, without amendment, engrossed bills of the House of Representatives of the following titles:

No. 16. An act to amend the several acts now in force, relative to the discharge of the duties of school commissioners in the counties of Perry, Fulton and Marshall;

No. 43. An act declaring Black creek, in the county of Greene, a navigable stream;

No. 41. An act limiting the fees of sheriff for extra services in the county of Marshall;

No. 50. An act for the relief of John Sankey of Vigo county;

No. 53. An act for the relief of Joseph Proctor and others;

No. 54. An act to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;

No. 64. An act to authorize the sale of school section in town 4, range 10, in Jefferson county;

No. 76. An act to change the name of Susannah Poe to Susannah Cundale;

No. 85. An act to vacate a State road therein named;

No. 90. An act providing for the location of a State road in the counties of Kosciusko and Marshall;

No. 94. An act to authorize Abraham J. Hostetler to sell and convey certain real estate;

No. 107. An act to more properly define the boundaries of Dearborn county;

No. 109. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 113. An act to authorize an additional place of holding elections in Reading township, Jackson county;

No. 122. An act to locate a State road therein named, and for other purposes;

No. 195. An act to locate a State road in the counties of Allen and Noble;

No. 257. An act changing the mode of doing county business in the county of Brown;

No. 261. An act to vacate a part of a certain State road in the county of Wayne;

No. 266. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

No. 89. An act to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes.

The Senate have also passed, without amendment, engrossed joint resolutions of the House of Representatives of the following titles:

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky Institution for the education of the blind;

No. 271. A joint resolution on the subject of a turnpike road from Bloomington to Columbus, through Brown county.

The following message was received from the Senate:

MR. SPEAKER:

The Senate have passed an engrossed bill of the House of Representatives entitled as follows:

No. 12. An act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana; with four amendments.

In which I am directed to ask, respectfully, the concurrence of this House.

The Senate have passed engrossed bills of the House of Representatives, without amendment, of the following titles, to-wit:

No. 58. An act to repeal a part of section 56, chapter 12, of the Revised Statutes of 1843;

No. 84. An act to regulate the fees of county treasurers for receiving and expending the county seminary fund;

No. 86. An act to authorize George French to construct a dam across the Wabash river;

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

No. 119. An act to amend an act entitled, "An act to amend an act to incorporate the Vevay and Napoleon, and other turnpike companies," approved February 8th, 1836; approved January 15th, 1844;

No. 126. An act to abolish the office of county auditor in the county of Orange;

No. 180. An act fixing the times of holding courts in the fifth judicial circuit;

No. 238. An act for the extension of the time of holding the probate courts in the county of Allen, and for other purposes;

No. 296. An act authorizing the county commissioners of DeKalb county to assess a road tax;

No. 302. An act for the relief of Joanna Mahony.

The Senate have also passed, without amendment, an engrossed joint resolution of the House of Representatives entitled as follows:

No. 272. A joint resolution in relation to a law of the State of New York permitting a draw back upon salt of her manufacture introduced within this State.

The Senate have passed engrossed bills thereof of the following titles:

No. 119. An act to authorize the re-occupation (by the original proprietors) of lands set off to the use of the State under the various acts relating to internal improvements;

No. 128. An act to amend an act to incorporate the University of *Notre Dame du Lac*, at South Bend in St. Joseph county, Indiana;

No. 140. An act repealing certain acts relative to the establishment of Bank districts;

No. 141. An act to repeal an act to reduce the prices paid for ferriages in Lawrence county, and revive the general law:

No. 144. An act to continue in force an act entitled "An act to incorporate the Brookville and Richmond canal company, approved February 17, 1838;"

No. 147. An act to change the name of Muncietown;

No. 148. An act to locate a certain State road therein named in Orange county;

No. 150. An act for the relief of the heirs and devisees of Francis Godfrey, deceased;

No. 156. An act to authorize the closing up of the suspended debt;

No. 157. An act providing for the distribution of the road tax paid into the State Treasury by the several Branches of the State Bank;

No. 159. An act to locate a State road in the counties of Martin and Orange;

No. 160. An act to authorize the re-valuation of school land in Crawford county;

No. 164. An act in relation to the county Auditor and Treasurer of Elkhart county;

No. 168. An act to amend "An act to incorporate the college corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15th, 1844;"

No. 173. An act to amend the law regulating liens upon boats, &c.;

No. 177. An act more effectually to enable supervisors to open and keep in repair highways;

No. 179. An act to incorporate the Silver creek bridge company;

No. 180. An act to repeal part of an act to change the mode of doing county business in the counties of Warrick and Dubois;

No. 183. An act to legalize the proceedings of Stevens Casey;

No. 186. An act to incorporate the Noland's Fork canal company;

No. 190. An act abolishing the office of county Auditor in the county of Blackford;

No. 192. An act to establish a free turnpike road in the county of Adams;

No. 194. An act to provide for the dissolving partnership fences;

No. 195. An act to authorize Joseph Quin and James Norvell to erect toll bridges;

No. 197. An act to amend an act entitled "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes, approved January 13th, 1844;"

No. 204. An act for the relief of the purchasers of seminary lands in Monroe county;

No. 213. An act amendatory of an act entitled an act to incorporate the Monroe county female seminary, approved January 22d, 1833;

No. 217. An act to incorporate the Valparaiso turnpike company;

No. 218. An act relative to overseers of the poor in Ripley county;

No. 225. An act to divide the county of Dearborn into county commissioner districts;

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

In which I am directed to ask, respectfully, the concurrence of this House.

The Senate have also passed engrossed joint resolutions thereof of the following titles :

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

No. 233. A joint resolution praying a grant of land to construct the northern cross railroad in the States of Illinois and Indiana;

In which I have been directed to ask, respectfully, the concurrence of this House.

The amendments of the Senate to bill of the House No. 12, in said message mentioned,

Was concurred in.

Bill of the Senate, in said message mentioned, No. 119,

Was read a first time and ordered to a second reading.

Bills Nos. 128 and 140, in said message mentioned,

Were read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until half past 1 o'clock, P. M.

Half past 1 o'clock, P. M.

The House met.

On motion by Mr. Garrett,

A call of the House was ordered.

Messrs. Bell, Boardman, Bradley, Byers, Claypool, Conduit, Conner, Duzan, Endicott, Fry, Fuller, Hannah, Hazelrigg, Hoggatt, Huey, Jones of Fountain, Legg, Lewis of Wayne, Manville, Montgomery, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Rich, Robinson of Carroll, Rosseau, Wilson, Wolf, and Wright of Switzerland, were absent.

On motion,

A further call was suspended.

On motion by Mr. Simonson,

The House granted leave of absence to Mr. Whight for the remainder of the session, on account of sickness.

The question pending last adjournment was the consideration of a message from the Senate.

Bills Nos. 227, 144, 147, 148, 150, 157, 159, in said message mentioned,

Were read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

By leave,

Mr. Palmer withdrew the papers in relation to Mr. Case.

Bill No. 141, in said message,

Was read a first and second times, the rules being suspended therefor; and,

On motion by Mr. Hoggatt,

Referred to a select committee.

The Speaker appointed Messrs. Hoggatt, Vandever, and Davis, that committee.

Bill No. 156, in said message,

Was read a first time and ordered to a second reading on to-morrow.

The House then proceeded to the orders of the day.

BILLS ON THEIR SECOND READING.

No. 161. A bill to authorize the board doing county business of the county of Miami to do a certain act;

Was read second time, the rules were suspended, the bill was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Robinson of Carroll,

The following bill was taken from the table:

No. 29 of Senate. A bill to amend an act entitled, an act for the benefit of persons likely to suffer by the destruction of the records of Miami county by fire, and for other purposes.

Mr. Pettit moved to recommit the bill to the judiciary committee, with the following instructions:

1. So as to authorize the circuit and probate courts to restore the records of their respective courts, and to discharge all the duties devolved upon the commissioner by the bill, in pursuance of the prayer of the citizens of Miami county now on the files of this House, and consequently abolishing the commissioner's office.

2. So as to make provision for the restoration of deeds, mortgages, patents, bonds, indentures of service, and all other instruments of writing that were destroyed by the burning of the court house in Peru, before record had been made of them.

3. To provide the means and the manner of restoring the destroyed marriage records.

4. To provide the means and manner of restoring papers of naturalization, first and final.

5. To provide for the restoration of the fee-docket in such a manner that those interested in them as clerks, sheriffs, witnesses, attorneys, &c., may be permitted to become parties to the proceedings by which it is done.

6. To provide not only for the restoration of records, but also all

papers of the circuit and probate courts, and of the recorder's office, *not* records.

7. To make such a change in the law of last winter upon this subject, as that ceasing to hold such court by the commissioner, for a single day, shall not terminate his powers under this act.

8. To make a provision, whereby a grantee of lands or other interest therein, that he may not only restore the conveyance made to him, but also the chain of title to the original source.

9. To change the 6th section of the old law so as to authorize an appeal not only to the circuit court of the county, but also to the supreme court; and to authorize not only taking an appeal, but likewise the suing out of a writ of error.

10. To provide that judgments, orders, and decrees, when re-entered, shall have all the effect of the original entry.

11. To provide that a notice shall be given in all cases where an adverse party claims, although it be not in a judgment, order or decree.

12. To define what shall constitute non-residence under this act, so as to permit the notice to be given by publication.

13. To specify what the notices shall contain, in order to make them legal and sufficient.

14. To insert a provision making it the imperative duty of the board doing county business of the county of Miami, to cause to be restored, all the official bonds of the county, forfeited recognizances, and all judgments, decrees, orders and forfeitures, in the name of the State, for the use and benefit of the county, in regard to any of the general funds of the county and for school purposes, and all other documents of interest to said county.

15. To strike out that portion of the 7th section of the law of last winter upon this subject, which permits an issue to be made of the destruction of judgments, orders and decrees.

16. To strike out that part of the 6th section of the same law which restricts the number of a jury to six, in defiance of the provision of the constitution upon this subject.

17. To insert a provision to make the reinstated deeds, patents, mortgages, &c., permanent records of the recorder's office of said county.

18. To require an entry of the reinstated deeds, mortgages, &c., to be made in the entry-book of deeds of said county.

19. To require reinstated judgments, orders, decrees, forfeitures, &c., to be entered in the judgment docket of said county.

20. To authorize juries to try not only the existence of judgments, orders and decrees, but likewise the preliminary proceedings to them.

21. To authorize jurors, when called for, to try all issues whatever, arising in the restoration of the records.

22. To provide for the granting of continuances, as in other cases.

23. To insert a clause making persons competent to testify, whose interest in the records arises as officers, whether clerks, sheriffs, justices of the peace, or attorneys, or as witnesses.

24. In order to save cost in the restoration of judgments, decrees, &c., where more than five years have passed, so that a writ of error cannot be sued out upon them, to provide for such a memorandum of it as will show a sufficient cause of action to bar another suit.

25. To provide for the making up the records of the court in vacation by the clerk, and save the expense of court sitting.

26. To provide the time and the manner of opening judgments, records and decrees, where the adverse party has not been personally served with notice.

27. To provide for an allowance of legal set-offs upon judgments, orders and decrees, and the kind of notice that shall be given.

28. To make a provision as to the formation of issues.

29. To declare the effect of all records restored.

30. To limit the time within which deeds shall be recorded, in order to give them the effect of the original records.

31. To insert a provision declaring a presumption in favor of all settlements with the probate court made by executors, administrators or guardians, whether final or intermediate.

32. Upon the record of all former deeds, mortgages, patents, &c., to insert a provision declaring a presumption in favor of their proper entry upon the entry-book.

33. To insert a provision declaring a presumption in favor of the regularity of the issue and proceedings upon executions.

34. To authorize proceedings in chancery to correct and reform all errors as effectually as under the provisions of this act.

Mr. Vandever moved to lay the bill on the table.

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Cowen, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, and Wright of Switzerland—39.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Heustis, Hinchman, Huckaby, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—51.

So the bill does not lie on the table.

Mr. Hoggatt moved to indefinitely postpone the bill, when

Mr. Gregory moved the previous question.

On motion by Mr. Robinson of Carroll,

A call of the House was ordered.

Messrs. Osborn, Conner and Walker were absent.

The House excused Messrs. Conner and Walker.

Mr. Pettit moved to adjourn, (it being four minutes past 3 o'clock, P. M.)

And the ayes and noes being demanded by Messrs. Robinson of Carroll and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Endicott, Huckaby, Jones of Fountain, Manville, Osborn, Pettit, Robinson of Carroll, and Rose—9.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Byers, Claypool, Colms, Conduit, Cowen, Davis, Duzan, Ford, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Vigo, Kelly, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGahey, Matlock, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Palmer, Parker, Peek, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Vandever, Wills, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—84.

So the House did not adjourn.

Mr. Robinson of Carroll then moved to lay the bill on the table;

Which motion,

The Speaker decided to be out of order.

Mr. Gregory moved the previous question;

Which was then seconded by the House.

The question then being,

“Shall the main question be now put?”

And the ayes and noes having been demanded by Messrs. Vandever, and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Davis, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby,

Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Byers, Cowen, Duzan, Endicott, Fuller, Garrett, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, and Wright of Switzerland—42.

So the main question was ordered to be put.

The main question then being put :

“ Shall the bill pass ? ”

The ayes and noes were demanded by Messrs. Parker and ——

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Davis, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Huckaby, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—50.

Those who voted in the negative are,

Messrs. Brecount, Byers, Endicott, Fuller, Garrett, Hauser, Heustis, Hodges, Hostetter, Huey, Lewis of Dearborn, McAllister, Montgomery, Rose, Shanks, Tague, and Vandever—17.

So the bill passed.

The title was then read,

And the question then being put :

“ Shall this be the title of the bill ? ”

The ayes and noes were demanded by Messrs. Robinson of Carroll and Hazelrigg,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Byers, Claypool, Colms, Conduit, Davis, Ford, Foresman, Fry, Fuller, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Hinch-

man, Hodges, Hoggatt, Huckaby, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Palmer, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Vandever, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—61.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Endicott, Handy, Hauser, Heustis, Hostetter, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, Montgomery, Peek, Robinson of Carroll, Shively, and Snook—16.

So the bill was entitled as aforesaid.

On motion by Mr. Vandever,

The House took up,

No. 222. A bill to amend an act to provide for the continuance of the construction of all or any of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;

Which was read the third time; and,

The question being on the passage of the bill,

Messrs. Herod and Jamison demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Colms, Cowen, Duzan, Endicott, Foresman, Fry, Fuller, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Helwig, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Montgomery, Mooney, Odell, Osborn, Palmer, Parker, Pettit, Pomeroy, Rose, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Turman, Wills, and Wright of Wayne—65.

Those who voted in the negative are;

Messrs. Brown, Byers, Ford, Hauser, Hazelrigg, Herod, Kelley, Leslie, McClure of Scott, Manville, Nimmon, Nutter, Peek, Rich, Robinson of Carroll, Vandever, Wilson, Wolf, and Wright of Switzerland—19.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Simonson reported from a select committee,

No. 315. A joint resolution to furnish maps to each county ;
Which was laid on the table.

Mr. Pettit obtained leave to withdraw from the possession of the House certain papers in relation to the lost records of Miami county.

On motion,

The following bill was taken from the files.

No. 172. A bill of the Senate, to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes ;

Which was read a third time ; when

Mr. Osborn moved to amend as follows :

Amend section 7, by inserting after the word "unpaid" in the 3rd line, the words "for six months after the same falls due ;"

Which was agreed to by unanimous consent.

The bill was then passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Herod,

The House took up

No. 224. A bill to provide for the election of township assessors, to define their duties, and for other purposes.

Mr. Osborn moved to amend the bill by striking out all after the enacting clause except the 11th and 12th sections ; when,

On motion by Mr. Robinson of Carroll,

The bill was laid on the table.

On motion by Mr. Cowen,

The House took up

No. 279. A bill to regulate the mode of doing township business in the county of Elkhart ;

Which was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 165. A bill to amend the law relative to licenses to vend clocks ;

Was read a second time ; when

Mr. Stapp moved to amend by striking out from the enacting clause and inserting a new bill.

Mr. Osborn moved to amend the amendment by adding the following section thereto :

"SEC. —. Merchants and other traders, other than pedlars, may buy and sell clocks without license a year, and pedlars may take out license for any less term than a year, paying a proportionate sum for the time they may wish to take out such license ;"

Which did not prevail.

Mr. Hoggatt moved the previous question ;

Which was not seconded by the House.

Mr. Stapp's amendment was then adopted ;

The bill was considered as engrossed, the rules being suspended therefor, was read a third time, and passed.

Ordered, That the Senate be informed thereof.

On leave granted,
Mr. Little offered the following resolution;
Which was adopted:

Resolved, That when this House adjourns it shall adjourn to meet at half past 6 o'clock this evening, and that the action of the House be confined first to bills on their second reading.

No. 166. A bill in relation to prosecuting attorneys, and their duties;

Was read a second time, and,

On motion by Mr. Smith,
Laid on the table.

No. 167. A bill for the relief of Robt. Harbison;

Was read a second and third times, the rules being suspended therefor, and passed

Ordered, That the clerk inform the Senate thereof.

No. 168. A bill repealing the act authorizing the reception of canal scrip for tolls and water rents, on the Wabash and Erie canal;

Was read a second time, when

Mr. Smith moved to refer the bill to the committee on canals and internal improvements.

Mr. Bradley moved to lay the bill on the table.

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Bruce, Byers, Colms, Conduit, Endicott, Foresman, Fry, Garrett, Gregory, Hambrick, Hauser, Helwig, Heustis, Hodges, Hostetter, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, McGauhey, Manville, Matlock, Montgomery, Odell, Osborn, Pettit, Pomeroy, Robinson of Carroll, Rose, Rosseau, Shelby, Shively, Smith, Snook, Stapp, Stophlet, Sullivan, Turman, Vandever, Wills, and Mr. Speaker—46.

Those who voted in the negative are,

Messrs. Anthony, Bell, Brown, Claypool, Duzan, Grubbs, Handy, Hardin, Hazelrigg, Herod, Hinchman, Hoggatt, Howard, Kelley, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, Miller, Mooney, Nimmon, Nutter, Palmer, Parker, Peek, Rich, Robinson of Decatur, Shanks, Simonson, Tague, Tingley, Tomlinson, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—41.

So the bill was laid on the table.

On motion,
The House adjourned until half past six o'clock, P. M.

Half past 6 o'clock, P. M.

The House met.

Mr. Pomeroy moved to reconsider the vote taken by which bill No. 403. A bill providing for the fees of the Auditor of Hancock county, was rejected ;

Which motion prevailed.

The question then recurred on the motion to reject ;

Which was withdrawn by the mover.

On motion by Mr. Vandever,

The rules were suspended and the bill was read a second time, when,

Mr. Grubbs moved to amend so that the county commissioners cannot, in any case, reduce the salary of county Auditor under \$150 00 per year ;

Which was adopted.

The rules were further suspended, the bill considered as engrossed, and read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 171. A bill in relation to justices and other officers in La-porte county ;

No. 172. A bill authorizing the election of a county Auditor in Clay county ;

No. 173. A bill to amend Revised Statutes, section 63, page 170 ;

No. 175. A bill fixing a certain annual compensation to the Auditor of Hamilton county ;

No. 179. A bill to legalize certain proceedings in the Probate court of Carroll county ;

No. 185. A bill to allow a bounty on wolf scalps ;

Were severally read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 174. A bill authorizing a change in the application of water power at dam No. 1, near the fork of the Wabash ;

No. 183. A joint resolution for the relief of George H. Dunn ;

No. 184. A bill for the relief of Priscilla Lozenby and others ;

Which were severally read the second time, and,

On motion,

Laid on the table.

No. 187. A bill to authorize pirogues and canoes to navigate the Wabash and Erie canal ;

Was read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

No. 188. A bill to require the president and directors of the Madison and Indianapolis railroad company, to acquire the right of way for said road simultaneously with the progress of said road :

Was read a second time ; when

Mr. Stapp moved to refer it to a select committee.

So referred.

The Speaker appointed Messrs. Stapp, Osborn and Rich, that committee.

No. 190. A bill to locate a State road in the counties of Whitley and Kosciusko ;

No. 192. A bill to locate a State road therein mentioned ;

No. 193. A bill to authorize a settlement with Cornelius Ferree and for other purposes ;

No. 194. A bill providing for the location of a State road in Randolph and Jay counties ;

No. 308. A bill for the benefit of John Yount and Philip Weaver ;

Were severally read a second and third times, the rules being suspended, considered as engrossed, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 191. A bill altering the boundary line between the counties of Gibson and Pike ;

Was read a second time ; and

On motion by Mr. Montgomery,

Laid on the table.

No. 198. A joint resolution relative to the distribution of the proceeds of the sales of the public lands ;

Was read a second time ; when

Mr. Pettit moved to lay it on the table ;

And the ayes and noes being demanded by Messrs. Robinson of Carroll and Pettit,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Simonson, Snook, Tague, Turman, and Vandever—38.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Conner, Ford, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—52.

So the joint resolution was not laid on the table.

The question then being,

“Shall the joint resolution be engrossed for a third reading?”

The ayes and noes were demanded by Messrs. Robinson of Carroll and Pettit,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Conner, Ford, Fry, Garrett, Gregory, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—52.

Those who voted in the negative are,

Messrs. Brecount, Byers, Cowen, Davis, Duzan, Endicott, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, and Vandever—38.

So the joint resolution was ordered to be engrossed.

No. 199. A joint resolution relative to the reduction of public lands;

Was read a second time, the resolution considered as engrossed, the rules being suspended, read a third time.

And the question being,

“Shall the joint resolution pass?”

Messrs. Vandever and Claypool having called the ayes and noes,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Bruce, Claypool, Colms, Conduit, Conner, Davis, Duzan, Endicott, Ford, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hinchman, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jones of Fountain, Jones of Vigo, Kelly, Kerr, Legg, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, McAllister, McClure of Knox, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Rose, Shanks, Shively, Simonson, Smith, Snook, Stapp, Tague, Tingley, Turman, Vandever, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—52.

Those who voted in the negative are,

Messrs. Byers, Osborn, Parker, Shelby, and Stophlet—5.

So the said joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

No. 201. A bill for a more equitable mode of distributing the interest arising from the school fund in Orange county ;

No. 202. A bill legalizing the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess ;

No 204. An act incorporating the Kosciusko and Allen turnpike company ;

Were severally read a second time, considered as engrossed, the rules suspended, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 203. A bill to allow an additional compensation to the President Judges of the sixth judicial circuit, while engaged in holding the Decatur circuit court ;

Was read a second time ;

And the question being,

“ Shall the bill be engrossed ? ”

The ayes and noes were demanded by Messrs. Robinson of Carroll and Grubbs,

Those who voted in the affirmative are,

Messrs. Barclay, Bruce, Claypool, Conduit, Fry, Gregory, Grubbs, Heustis, Hinchman, Jones of Fountain, Little, McGauhey, Parker, Rich, Robinson of Decatur, Stapp, Sullivan, Tomlinson, and Wolf—19.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Bradley, Brecount, Brown, Byers, Colms, Davis, Duzan, Endicott, Ford, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hodges, Hoggatt, Hostetter, Howard, Huckaby, Huey, Jones of Vigo, Kelley, Kerr, Leslie, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nutter, Palmer, Peek, Pettit, Pomeroy, Robinson of Carroll, Rose, Shelby, Shively, Simonson, Snook, Tague, Tingley, Turman, Vandever, Wilson, Wright of Wayne, and Mr. Speaker—56.

So said bill was lost on its engrossment.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared

with the originals the following enrolled bills of the House, and find the enrollment correctly made:

No. 65. An act to incorporate the Terre Haute Draw Bridge company;

No. 305. An act for the relief of George French of the county of Adams;

No. 268. An act to locate a State road in the counties of Vermillion and Vigo;

No. 180. An act fixing the times of holding courts in the fifth judicial circuit;

No. 114. An act to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional township;

No. 45. An act to authorize supervisors to purchase suitable tools to work the roads with;

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

No. 126. An act to abolish the office of county Auditor in the county of Orange;

No. 272. A joint resolution in relation to a law of the State of New York, permitting a drawback upon salt of her manufacture introduced within this State;

No. 238. An act for the extension of the time of holding the Probate courts in the county of Allen, and for other purposes;

No. 119. An act to amend an act entitled an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, 1836, approved January 15th, 1844;

No. 302. An act for the relief of Joana Mahony.

The committee report that said bills were, on the 10th day of January, 1845, presented to his Excellency, the Governor, for his approval and signature.

No. 419. A bill giving tax payers in Spencer county their just rights;

Was read a second time, when

Mr. Conduit moved to amend by adding the following proviso:

"That any person who may have become a resident of said county of Spencer after the time mentioned in the above act, shall not be entitled to the benefit of this act;"

Which was adopted.

Mr. Wilson moved to amend so as to make its provisions general;

Which was not adopted.

Mr. Shanks moved to lay the whole subject on the table;

Which did not prevail.

The rules were then suspended, the bill was considered as engrossed, read a third time, and passed.

On motion,

The House then adjourned to meet at half past 8 o'clock, to-morrow morning.

SATURDAY MORNING, JANUARY 11, 1845.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED :

By Mr. Robinson of Carroll,

Of citizens of Richardville county, praying to have penalty on delinquent purchasers of canal lands remitted by a general law ;

By Mr. Handy,

Of citizens of the town of Indianapolis, remonstrating against the change in the city law ;

By Mr. Tague,

Of citizens of Hancock county, upon the subject of public schools and school districts ;

By Mr. Davis,

Of Valentine Roberts and others, on the subject of a certain State road therein named.

By Mr. Nimmon,

Of citizens of Lagrange county, upon the subject of the collection of taxes and election of assessors, &c. ;

By Mr. Jones of Vigo,

Of citizens of Vigo county, upon the subject of confining voters to their respective townships in said county ;

Which were severally laid on the table.

On motion by Mr. Robinson of Carroll,

A call of the House was ordered ;

When it appeared that

Messrs. Barclay, Brecount, Colms, Conduit, Cowen, Duzan, Ford, Foresman, Garrett, Hambrick, Hardin, Hauser, Helwig, Hill, Hoggatt, Jones of Fountain, Legg, Leslie, Lewis of Wayne, McAllister, McClure of Scott, Matlock, Odell, Osborn, Parker, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Simonson, Snook, Sullivan, Tomlinson, Wills, Wilson, and Wright of Switzerland,

Were absent.

Messrs. Cowen and Rose were excused.

The further call was then suspended.

The House took up the Senate's message of yesterday.

BILLS OF THE SENATE.

No. 160. A bill to authorize the re-valuation of school land in Crawford county ;

No. 164. A bill in relation to the county Auditor and Treasurer of Elkhart county ;

No. 168. A bill to amend an act to incorporate the College Corner and Liberty Turnpike company, and the Liberty and Abbingdon Turnpike company, approved January 15th, 1844 ;

No. 173. A bill to amend the law regulating liens upon boats;

No. 179. A bill to incorporate the Silver creek bridge company;

No. 180. A bill to repeal part of an act to change the mode of doing county business in the counties of Warrick and Dubois;

No. 186. A bill to incorporate the Noland's fork canal company;

No. 190. A bill abolishing the office of county Auditor in the county of Blackford;

No. 192. A bill to establish a free turnpike road in the county of Adams;

No. 195. A bill to authorize Joseph Quin and James Norvell to erect toll bridges;

Were severally read three times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 177. A bill more effectually to enable supervisors to open and keep in repair highways;

Was read a first time and ordered to a second reading.

No. 183. A bill to legalize the proceedings of Stevens Casey;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 194. A bill to provide for the dissolving of partnership fences;

Was read the first time; and,

On motion by Mr. Claypool,

Was rejected.

No. 197. A bill to amend an act entitled an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes, approved January 13, 1844;

Was read a first and second times, the rules being suspended therefor, when

Mr. Wolf moved to further suspend the rules for the purpose of reading the bill a third time now.

Mr. Vandever moved to refer the bill to a select committee;

Which did not prevail.

Mr. Vandever then moved to lay the bill on the table;

Which did not prevail.

Mr. Herod moved the previous question;

Which was seconded by the House.

And the question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question being then put:

"Shall the bill be read a third time on to-morrow?"

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Bruce, Clay-

pool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Hazelrigg, Herod, Heustis, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Lewis of Wayne, McClure of Knox, McGauhey, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—48.

Those who voted in the negative are,

Messrs. Brown, Byers, Davis, Duzan, Fuller, Gregory, Hardin, Hauser, Hill, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, Little, McAllister, McClure of Scott, Manville, Mooney, Peek, Pettit, Robinson of Carroll, Shanks, Shively, Simonson, Snook, Tague, Turman, and Vandever—31.

So the bill was ordered to a third reading on to-morrow.

No. 204. A bill for the relief of the purchasers of seminary lands in Monroe county;

No. 213. A bill amendatory of an act entitled, "An act to incorporate the Monroe county female seminary," approved January 22, 1833;

No. 217. A bill to incorporate the Valparaiso Turnpike Company;

No. 218. A bill relative to overseers of the poor in Ripley county;

No. 225. A bill to divide the county of Dearborn into county commissioners' districts;

Were severally read three times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

Was read a first time; when

Mr. Pettit moved to reject the joint resolution.

And the ayes and noes being demanded by Messrs. Pettit and Garrett,

Those who voted in the affirmative are,

Messrs. Bell, Brecount, Brown, Byers, Claypool, Conduit, Davis, Ford, Garrett, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Hill, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Huey, Kelley, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, Manville, Matlock, Miller, Mooney, Nimmon, Palmer, Parker, Peek, Pettit, Robinson of Decatur, Shanks, Shively, Simonson, Smith, Tague, Turman, Vandever, Wills, Wolf, and Wright of Switzerland—48.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Bradley, Bruce, Colms, Endicott,

Foresman, Fry, Fuller, Gregory, Herod, Heustis, Hodges, Jamison, Jones of Fountain, Jones of Vigo, Kerr, McAllister, Montgomery, Odell, Osborn, Pomeroy, Rich, Robinson of Carroll, Rosseau, Shelby, Stapp, Stophlett, Sullivan, Tingley, Tomlinson, Wilson, Wright of Wayne, and Mr. Speaker—33.

So the joint resolution was rejected.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives of the following title:

No. 156. An act for the relief of Milton Stapp, with two amendments.

In which I am directed to ask, respectfully, the concurrence of this House.

The amendments of the Senate to No. 156, in said message mentioned,

Were concurred in by the House.

Ordered, That the Senate be informed thereof.

Mr. Herod, chairman of the committee of ways and means, reported the following bill :

No. 420. A bill making specific appropriations for the year 1845 ; Which was read a first and second times, the rules being suspended therefor, and laid on the table.

Mr. Stapp, from a select committee, reported back bill of the House

No. 188. A bill to require the president and directors of the Madison and Indianapolis railroad company to acquire the right of way for said road simultaneously with the progress of said road.

The amendments reported by Mr. Stapp were concurred in, the bill was considered as engrossed, read a third time,

And the question being,

“Shall the bill pass?”

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Blakemore, Bradley, Brecount, Brown, Bruce, Garrett, Gregory, Handy, Hannah, Hardin, Hazelrigg, Helwig, Herod, Heustis, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, McClure of Knox, McGauhey, Matlock, Mooney, Odell, Osborn, Palmer, Peek, Pettit, Pomeroy, Rich, Rosseau, Shanks, Shelby, Shively, Smith, Snook, Stapp, Stophlet, Tingley, Tomlinson, Turman, Vandever, Wills, Wolf, Wright of Wayne, and Mr. Speaker—49.

Those who voted in the negative are,

Messrs. Barclay, Byers, Claypool, Colms, Davis, Duzan, Endicott, Hambrick, Hauser, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, Little, McAllister, McClure of Scott, Manville, Miller, Montgomery, Nimmon, Nutter, Simonson, Tague, Wilson, and Wright of Switzerland—28.

So the bill passed.

On motion by Mr. Stapp,

The title was amended to correspond with the bill.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House took up bill of the Senate

No. 121. A bill to further extend to the State bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Was read a second time.

Mr. Claypool offered the following amendment:

Amend the bill by striking out all after the words "extended to and through" and insert "the remaining period of the charter of said bank," and insert the following also:

"Provided, That if this act is accepted by the said bank and branches, said bank shall be subject to loan to the State from time to time such sums as may be required by the Treasurer of State, on receiving ninety days notice, on a pledge of State six per cent. treasury notes equal to the amount of such loans, or other equivalent security, the whole amount of such loans not to exceed at any time \$50,000, and which loans shall be on the same terms as loans to other borrowers at the bank, except that the length of the time thereof may be fixed by the Treasurer of State, not to exceed three years from the date of any such loan.

SEC. 2. Any of the notes issued by said bank may be signed, in case of the sickness, necessary absence or other inability of the president, by a vice president appointed for such purpose by the board of directors of the State bank.

This act to take effect from the filing of the acceptance thereof by said bank and each branch thereof in the office of the Secretary of State."

Mr. Blakemore offered the following amendment to the amendment:

"Provided, that nothing in this act shall be so construed as to authorize said Bank to put in circulation any Treasury notes so pledged."

Which was adopted.

Mr. Robinson of Carroll then moved to lay the bill on the table.

And the ayes and noes being demanded by Messrs. Robinson of Carroll, and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Byers, Davis, Duzan, Endicott, Ham-

brick, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Hill, Hoggatt, Howard, Huey, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Turman, Vandever, Wright of Switzerland, and Mr. Speaker—37.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Heustis, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—53.

So the bill was not laid on the table.

Mr. Robinson of Carroll moved to strike out the first section of Mr. Claypool's amendment.

And the ayes and noes having been demanded by Messrs. Robinson of Carroll and Little,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Colms, Davis, Duzan, Endicott, Garrett, Gregory, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Turman, Vandever, Wills, and Wright of Switzerland—47.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Conduit, Foresman, Fry, Grubbs, Hinchman, Huckaby, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tague, Tingley, Tomlinson, Wilson, Wolf, and Wright of Wayne—42.

So said section was stricken out.

Mr. Bradley moved to lay the bill on the table.

And the ayes and noes having been demanded by Messrs. Bell and Smith,

Those who voted in the affirmative are,

Messrs. Barclay, Bradley, Brecount, Brown, Bruce, Byers, Davis, Duzan, Endicott, Ford, Hambrick, Hannah, Hardin, Hauser, Herod, Hill, Hoggatt, Hostetter, Howard, Huey, Kelly, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Odell, Osborn, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Turman, Vandever, and Wright of Switzerland—41.

Those who voted in the negative are,

Messrs. Anthony, Bell, Blakemore, Boardman, Claypool, Colms, Conduit, Foresman, Fry, Garrett, Grubbs, Hambrick, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan Tague, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—43.

So the bill was not laid on the table.

Mr. Robinson of Carroll moved to strike out of the proposed amendment so much thereof as extends the time of issuing small notes to the term of the charter of the bank.

And Messrs. Robinson of Carroll and Vandever having called the ayes and noes,

Those who voted in the affirmative are,

Messrs. Anthony, Blakemore, Brown, Byers, Davis, Duzan, Endicott, Garrett, Hambrick, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig, Herod, Heustis, Hill, Hoggatt, Howard, Huey, Jones of Fountain, Kelley, Lewis of Dearborn, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Nimmon, Palmer, Pettit, Rich, Robinson of Carroll, Rose, Shanks, Shively, Simonson, Snook, Tague, Turman, Vandever, Wright of Switzerland, and Mr. Speaker—44.

Those who voted in the negative are,

Messrs. Barclay, Bell, Bradley, Bruce, Claypool, Colms, Conduit, Ford, Foresman, Fry, Gregory, Grubbs, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—44.

So it was not stricken out.

Mr. Colms moved to strike out all that portion of the proposed amendment that relates to loans by said bank ;

Which was adopted by the House.

The question then being on the adoption of the amendment of Mr. Claypool, as amended,

The ayes and noes were demanded by Messrs. Robinson of Carroll and Vandever.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Brecount, Bruce, Claypool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Rosseau, Shelby, Smith, Snook, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—52.

Those who voted in the negative are,

Messrs. Anthony, Brown, Byers, Duzan, Endicott, Hambrick, Hannah, Hardin, Hauser, Heustis, Hill, Hoggatt, Howard, Huey, Kelley, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Pettit, Rich, Robinson of Carroll, Rose, Shively, Simonson, Tague, Turman, Vandever, Wright of Switzerland, and Mr. Speaker—32.

So the amendment was adopted, and ordered to be engrossed for a third reading.

On leave granted,

Mr. Robinson of Carroll, offered the following resolution:

Resolved, unanimously, That the thanks of this House are hereby tendered to the Hon. Alexander C. Stevenson, for the able, impartial, and efficient manner in which he has presided over its deliberations as Speaker, during the present session;

Which was unanimously adopted by the House.

On motion by Mr. Gregory,

The House took up bill of the Senate

No. 139. A bill to amend an act entitled an act to incorporate the Perrysville Canal Lock Company, approved February 12, 1844, and to correct a misprint therein;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed engrossed bills of the House of Representatives of the following titles:

No. 91. An act to amend an act entitled "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842; with one amendment;

No. 115. An act to repeal an act entitled an act providing for the opening and repairing roads and highways, and streams, in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843; with one amendment;

In which amendments I am directed to ask, respectfully, the concurrence of this House.

The House concurred in the amendment of the Senate to bill of the House No. 91, in the above message mentioned.

Ordered, That the Clerk inform the Senate thereof.

The House refused to concur in the amendment of the Senate to bill of the House No. 115, in the aforesaid message mentioned.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, without amendment, engrossed bills of the House of Representatives of the following titles, to-wit:

No. 61. An act exempting personal property from execution;

No. 136. An act extending the provisions of an act entitled "an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 15, 1844, to the county of Clay;

No. 137. An act to restrict the grand jury in Franklin county to a limited time in their sessions;

No. 139. An act changing the election of school trustees in the counties of De Kalb and Steuben;

No. 141. An act to provide for a uniform mode of doing county business in Clay county;

No. 144. An act for the relief of Sintha Parks, widow of Alexander Parks, deceased;

No. 147. An act for the appointment of commissioner of the reserved townships of land in the counties of Gibson and Monroe;

No. 158. An act to extend the time of holding the Probate Court in Montgomery county;

No. 209. An act to regulate the jurisdiction of Justices of the Peace in the counties of Lake and Porter;

No. 276. An act to regulate judicial notices in the county of Daviess;

No. 316. An act for the relief of the securities of Daniel Carle;

- No. 317. An act to locate a State road therein named;
- No. 318. An act to change a certain State road in Elkhart county;
- No. 319. An act to locate a State road in the county of Marshall;
- No. 322. An act declaring Big Blue river a public highway;
- No. 323. An act to incorporate the town of Bloomington, in the county of Monroe;
- No. 324. An act vacating a part of a State road therein named;
- No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin W. Spencer, Charles E. Dewolf, and Joseph Bartholomew;
- No. 326. An act changing the mode of doing county business in the county of Putnam;
- No. 335. An act legalizing the proceedings of the board doing county business in Martin county, and also of James Dillery as Treasurer and Collector;
- No. 345. An act to amend an act entitled "an act to incorporate the College Corner and Liberty Turnpike company, and the Liberty and Abbingdon Turnpike company, approved January 15th, 1844;"
- No. 348. An act to locate a State road in Miami, Richardville, and Tipton counties, and also to locate a State road in Richardville and Clinton counties;
- No. 354. An act to authorize William Conner and John D. Stephenson to erect a mill dam across White river in Hamilton county;
- No. 355. An act to provide for the incorporation of the town of Lafayette in Tippecanoe county;
- No. 384. An act to provide for the binding of the laws and journals;
- No. 386. An act to authorize the county commissioners of White county to grant license to clock pedlars;
- No. 388. An act for the relief of the collector of Greene county;
- No. 389. An act to locate a State road in the counties of Tippecanoe and Warren;
- No. 393. An act reviving and amending a certain act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842;
- No. 394. An act to change the name of the town of Faithful to Parkersburgh, in the county of Montgomery;
- No. 396. An act to improve the breed of horses in Jay county;
- No. 399. An act to vacate the town of Berlin in the county of Fayette.
- The Senate have passed, also, without amendment, an engrossed joint resolution of the House of Representatives, entitled:
- No. 390. A joint resolution on the subject of the Wabash and Erie canal.

On motion by Mr. Stapp,
No. 182 of the Senate, entitled,

A bill to provide for procuring a suitable site for the erection of a State lunatic asylum;

Was taken up and read a third time: when

Mr. Hazelrigg moved to commit to the committee on education, with the following instructions:

Amend the first section by striking out "two hundred," and insert "forty."

Also, amend second section by striking out "six thousand," and insert "one thousand."

Mr. Jones of Fountain moved the previous question;

Which was seconded by the House.

The question then being,

Shall the main question be now put?

Which was decided in the affirmative.

The main question was then put, to-wit:

"Shall the bill pass?"

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative are,

Messrs. Barclay, Blakemore, Brown, Bruce, Claypool, Colms, Foresman, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Helwig, Herod, Hill, Hostetter, Howard, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Leslie, McAllister, Matlock, Miller, Montgomery, Mooney, Odell, Osborn, Palmer, Peek, Pomeroy, Robinson of Carroll, Robinson of Decatur, Rose, Rosseau, Shanks, Simonson, Smith, Stapp, Sullivan, Tague, Tingley, Turman, and Wills—49.

Those who voted in the negative are,

Messrs. Bell, Bradley, Brecount, Byers, Conduit, Fry, Hauser, Hinchman, Hodges, Hoggatt, Legg, Lewis of Dearborn, Lewis of Wayne, McClure of Knox, McClure of Scott, McGauhey, Manville, Nimmon, Nutter, Parker, Rich, Shelby, Snook, Wilson, and Wright of Wayne—26.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned until half past 1 o'clock, P. M.

Half past 1 o'clock, P. M.

The House met.

On motion by Mr. Odell,

The House took up bill of the House,
No. 329. A bill to change part of a State road in Tippecanoe county;

Which was read the third time and passed.

Ordered, That the Senate be informed thereof.

Mr. Herod, chairman of the committee on ways and means, made the following report :

MR. SPEAKER :

The committee on ways and means to whom was referred so much of the Governor's message as relates to our foreign and domestic indebtedness, and also the memorial of certain bondholders in London to this General Assembly ; and also, a joint resolution of this House, No. 124, have considered the same with all the attention which a press of other engagements would enable them to bestow, and now beg leave to report the result of their deliberations.

The great desire which your committee feel to present some revenue plans which would authorize a well founded hope in the minds of the people, as well as in the minds of our creditors, of a speedy adjustment of all our liabilities, has induced them to enter into a calculation as to our means, both present and prospective ; for your committee will not allow themselves to believe that the people of the State contemplate repudiation.

Your committee, however painful it may be, are constrained to say that there are no resources of the State at present which the Legislature can apply to the payment of the interest on our bonded debt or any part thereof. The works of internal improvement to prosecute which money was loaned, and for which the bonds of the State were given, have all, (except the Wabash and Erie,) wholly failed and have been abandoned by the State, and now remain in an unfinished and unproductive condition, (except an inconsiderable amount derived from water rents,) or have been given out to companies who are authorized to take possession of them and finish the same for their own benefit.

We regret to say, that we cannot look forward to the time when we shall have resources in the treasury commensurate with its liabilities ; and these liabilities, we are constrained to say, cannot be met, except by a direct tax levied for that purpose on the people.

Our domestic debt, brought upon us by the same unfortunate system of internal improvement, is still large, and will for a long time to come, require all the taxes derived under our present revenue laws to pay the interest and principal. And inasmuch as the evidences of this indebtedness are in the shape of bills which circulate among the people, and bear upon their face the authority to the collector of taxes to receive them in payment thereof, these notes must first be redeemed, before any provision can or will be made, to raise revenue for the payment of our bonded creditors.

Our domestic debt, including interest to the first day of January,

1845, amounts to \$1,528,032. Suppose we estimate the revenue of 1844 at \$232,000, which is the auditor's estimate, and then deduct the ordinary expenses of the government, amounting to say \$70,000 per annum, and it will leave \$160,000; which may be applied to the payment of our domestic debt. On this amount it may be proper to add \$10,000 per annum, as the increase of our revenue over and above the amount necessary to defray the expenses of our State government. Let us then calculate the interest on our domestic debt at 6 per cent. per annum, and we find that the present rate of taxation will not absorb our domestic debt before the first day of January, 1853, as the following table will show, to-wit:

EXHIBIT C.

A calculation for paying off our domestic debt by the first of January, 1853.

The domestic debt on the first of January, 1845, is as follows, to-wit:

Six per cent. treasury notes outstanding, - - -	\$677,000
Interest on the same, - - - - -	176,770
Five per cent. notes, or bank scrip, - - - -	513,000
Interest on the same, - - - - -	66,262
Quarter of one per cent. treasury notes, - - -	39,000
Bank debt (late loan,) - - - - -	56,000
	<hr/>
Whole domestic debt, - - - - -	\$1,528,032
Deduct the surplus of the revenue of 1844, after paying the ordinary State expenses, say \$70,000, -	162,000
	<hr/>
	\$1,366,032
Add one year's interest, except on bank loan, which is paid in advance, - - - - -	78,601
	<hr/>
Amount due 1st January, 1846, - - - - -	\$1,287,431
Deduct revenue of 1845, applicable, - - - -	172,000
	<hr/>
	\$1,115,431
Interest one year is, - - - - -	666,925
	<hr/>
Amount due 1st January, 1847, - - - - -	\$1,182,356
Deduct revenue of 1846, applicable, - - - -	182,000
	<hr/>
	\$1,000,356
Interest for one year, - - - - -	60,021
	<hr/>
Amount due January 1st, 1848, - - - - -	\$1,060,377

Deduct revenue of 1847, applicable,	-	-	-	-	192,000
					<u>868,000</u>
Add interest for one year,	-	-	-	-	52,102
					<u>920,479</u>
Amount due January 1st, 1849,	-	-	-	-	\$920,479
Deduct revenue of 1848, applicable,	-	-	-	-	202,000
					<u>718,479</u>
Add interest for one year,	-	-	-	-	43,108
					<u>761,587</u>
Amount due January 1st, 1850,	-	-	-	-	\$761,587
Deduct the revenue of 1849, applicable,	-	-	-	-	212,000
					<u>549,000</u>
Add the interest for one year,	-	-	-	-	32,975
					<u>582,562</u>
Amount due January 1st, 1851,	-	-	-	-	\$582,562
Deduct the revenue of 1850, applicable,	-	-	-	-	222,000
					<u>360,562</u>
Add interest for one year,	-	-	-	-	21,633
					<u>382,195</u>
Amount due 1st January, 1852,	-	-	-	-	\$382,195
Deduct revenue of 1851, applicable,	-	-	-	-	232,000
					<u>\$150,195</u>
Interest for one year,	-	-	-	-	9,011
					<u>\$159,206</u>
Amount due 1st January 1853,	-	-	-	-	\$159,206
Revenue of 1852 applicable,	-	-	-	-	242,000
Which will leave in the treasury on the 1st January,					
1853, after the payment of the ordinary expenses of					
the State and our domestic indebtedness, the sum of					<u><u>\$82,794</u></u>

Thus it will be seen, that no part of the bonded debt can be paid under our present rates of taxation, before the first day of January, 1853, and even then there will be in the treasury no more than \$82,794, applicable to this service.

The enquiry naturally arises for the consideration of your committee, can we increase the taxes and add to the burthens of the people already too great, a sum sufficient to pay the interest of the public debt to be funded at that date.

The following exhibit, it is believed, contains a correct statement of our foreign or funded debt:

EXHIBIT E.

On account of Wabash and Erie canal, - - -	\$1,727,000
Internal improvements, (proper,) - - -	8,900,000
Bank, - - - - -	2,413,000
Madison and Indianapolis railroad, - - -	456,000
Lawrenceburg and Indianapolis railroad, - - -	221,000
Surplus revenue, - - - - -	294,000
Interest, and to redeem treasury notes, - - -	1,100,000

\$15,111,000

Of these there have been redeemed and
cancelled in bonds, - - - - \$1,829,000

There were cancelled, without being put
into circulation, of the \$1,100,000,
being seven per cent. bonds, - - - 1,064,000

2,893,000

Outstanding, - - - - - \$12,218,000

Of these the bank regularly pays the interest on - 1,390,000

Leaving - - - - - \$10,828,000

On which no interest is paid, and no provision is now, or can at
this time be, made for its payment.

Of this sum, \$100,000 bears six per cent. interest, \$10,-
692,000 five per cent. interest, and \$36,000 seven
per cent. interest. The annual interest, therefore,
on the funded debt, (exclusive of what is paid by
the bank,) is on \$100,000 at six per cent. interest, -

\$6,000

\$36,000 at seven per cent., - - - - -

2,520

\$10,692,000 at five per cent., - - - - -

534,600

Total, - - - - - \$543,120

So that it will be seen, upon calculation, that our annual revenue,
as the rate of taxation now stands, and allowing an annual increase
of \$10,000 upon the gross amount, will, even after the domestic debt
is paid, fall short of paying the annual interest on our foreign debt.

Thus it will be seen that the revenue of the State for the year
1853, will not be sufficient to pay one half the interest on our public
debt funded to that time.

Under these circumstances what is the duty of the Legislature?
Can the present rate of taxation be raised upon the people and col-
lected from them? They are already complaining of their burthens,
and not without cause. We very much fear that an attempt to im-
pose additional taxes sufficient to meet the interest annually, and

finally the principal of this unfortunate debt, would be but to retard, if not defeat, its final payment.

It is neither right nor proper for us, the Representatives of the people of Indiana, to conceal from our creditors the fact, that we are not now able to pay our debts, nor should they be deceived as to our prospects in the future. We have not the ability to pay now, nor can we see in the future an early prospect of such ability; but hoping that some favorable turn in our affairs may take place, we can at this time, only acknowledge that portion of the debt which has been legally incurred and for which we have received the consideration, and await the developments of time and events.

Your committee had hoped that long before this time, an enlightened and patriotic devotion to the honor of the State and the integrity and sacredness of her engagements, would have so moulded public opinion that all the parties into which we are unfortunately politically divided, would have harmonized in favor of the principles of said joint resolution, in the consummation of which alone, we can see any practicable means for the final liquidation of our indebtedness in any reasonable period, we mean, in the distribution of the proceeds of the sales of the public lands to the States. Your committee are not without hope, that now, the excitement of a presidential canvass being over, and not, we trust, to be very soon renewed, that public opinion will soon harmonize in favor of so important a measure. Your committee are aware that this subject has been considerably agitated before the country, but generally it has been in connection with the political contests of party candidates, and has been often made to bend to other questions of a more decided party character. It may not be out of place for your committee to mention some of the objections to this measure with a view to obviate them.

In the first place, it is alleged by some, that distribution is in violation of the terms and spirit of the grants by which the public lands were ceded to the federal government. To obviate this objection, your committee beg leave, instead of an argument of theirs, to quote an extract from the annual message of General Jackson to the Congress of the United States in December, 1832.

He says:

“Among the interests which merit the consideration of Congress, after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution, it was recommended by Congress that a portion of the waste lands owned by the States, should be ceded to the United States for the purpose of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time the States of Massachusetts, New York, Virginia, North and South Carolina and Georgia granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object

for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony and general interest of the American people. It seems to me to be our true policy, that the public lands shall cease as soon as practicable to be a source of revenue."

An important enquiry now is, whether it is now *practicable* that the public lands shall cease to be a source of revenue to the federal treasury, and that depends upon the question, whether our present rates of duties upon imports, will yield revenue sufficient for the ordinary expenditures of the general government. This question we believe is universally answered in the affirmative, and that a surplus will soon accrue in the treasury.

Another question is, are the present rates of duties so onerous to our people that they should be so reduced as to create a necessity that the lands should still be continued as a source of revenue. To answer this question fully, would draw your committee into a discussion and reference to facts which would greatly exceed the proper limits of this report, and would be occupying ground particularly assigned to another committee.

They will be permitted to state, however, in general terms, that, under the operation of the present tariff, prices of articles of general use and consumption, which were affected by that act, declined in prices from what they were under the compromise act at its minimum. Your committee then ask the question, whether a tax, sufficient to pay the interest on our public debt, would not be more oppressive than even the worst imaginary evil of the tariff of 1842?

It is also objected that distribution would corrupt the people. To this your committee will make no other reply than the entire confidence which they feel in the integrity of the great body of the people.

It is estimated that the aggregate debt of all the indebted States amounts to \$200,000,000, and it is said that the land fund, if distributed, would be entirely insufficient to pay that amount. Now, from the report of the commissioner of the General Land Office in October, 1843, it is estimated that the unsold lands amount to 1,042,731,765 acres, which at \$1.25 per acre would amount to \$1,303,414,706. The distributive share of Indiana in this amount, according to the principles of the bill of 1833, would be \$56,060,847. But to deduct one half of the whole estimated value of all the public lands to cover the unsaleable portion thereof, the expense of acquiring Indian titles, and the expense of surveying and selling them, would still leave Indiana's distributive share \$28,030,423, which your committee think abundantly shows that that fund will be ample for the payment progressively and ultimately of our foreign liabilities, besides leaving a large surplus to be applied to other purposes in the discretion of future legislatures. Had the public lands been released from revenue purposes, in 1832, and the proceeds of the sales thereof since been distributed among the States as by the bill of 1833 was proposed, it is believed that Indiana's share of the actual proceeds would now have

amounted to between \$4,000,000 and \$6,000,000, which, applied in a prudent manner, would enable the State to pay its debt in a short time without increasing the present rates of taxation.

Your committee, therefore, report back the joint resolution, and respectfully recommend its passage.

Mr. Wright dissents from the above report.

No. 124. A joint resolution on the subject of the public lands;

Was ordered to be engrossed for a third reading.

Mr. Vandever made the following report:

MR. SPEAKER:

The undersigned, member of the committee of ways and means, to which was referred so much of the Governor's message as relates to our State debt, begs leave to report:

That the time has come when it is right and proper that the holders of our bonds should be informed of the true position of the State in relation to her creditors, and that the resources thereof should be made manifest to the holders of our liabilities, so that they may know on what to depend for the liquidation of the claims they have against us.

In the first place, so far as our works of internal improvements are concerned, we have no reliance, whatever, on any portion thereof to aid us by their revenues to pay the public debt, except what may be received from the Wabash and Erie canal, all of them having wholly failed, and in their incomplete condition having been abandoned by the State and given out to different companies who may undertake to complete the same. In our place, for the settlement and liquidation of our public debt, we shall put down the sinking fund as being sufficient by its revenues to come near the payment of the interest on Bank loan debt.

Independent of the resources to be drawn from this sinking fund, we have nothing more to offer to our creditors than what may be derived from a direct taxation of the people; and from the fact that our fund commissioners sold our bonds contrary to law, and thereby caused great loss to the people thereof, they are unwilling to be burthened with taxes to pay for that which was never received, and by which they were not benefitted, but are willing to do all they can to compromise and liquidate the debt due from the State on such terms as, while it will do something for the bondholder, it will not oppress its citizens.

Your minority of the committee are of the opinion that the people of the State would be willing to bear the present rate of taxation, (though onerous and burthensome,) for some time to come, provided that it would bring about an arrangement for the reduction and final payment of our bonded debt, within a reasonable time, and do not believe that any thing would be gained to the bondholders in an at-

tempt to levy a higher tax. We would, therefore, fix as a basis of a settlement of our State debt, the amount of revenue now collected from property and polls, over and above what is necessary to support the State government, and appropriate it to the payment of our debt in such manner as will pay the interest and finally settle the principal.

We then, as a basis of calculation, put down the revenue of 1844 at \$230,000, from which deduct the amount of expenditures for the State government \$67,000, having a balance to be applied to the payment of the State debt the sum of \$163,000. We are aware that the revenue, as well as the expenses of government, will increase annually; we therefore estimate that increase at 10 per cent. per annum, over and above the increase of the expenses of the State government. We shall also set apart all moneys that belong to the bank loan fund and the sinking fund, for the purpose of paying the bank loan bonds and the 5 per cent. bank loan stock, having the residue of our domestic debt part to be paid before we can appropriate any thing to the payment of our bonded debt.

Our domestic debt, including interest to the 1st day of January, 1845, is - - - - -	\$1,521,262
From which we may deduct amount to be paid by Sinking Fund, - - - - -	579,262
	<hr/> 942,000
Applicable to the payment of this is the revenue for 1844, - - - - -	163,000
	<hr/> 779,000
Interest to 1st January, 1846, - - - - -	46,750
	<hr/> 825,750
Revenue for 1845, - - - - -	179,300
	<hr/> 646,450
Interest to 1st January, 1847, - - - - -	38,787
	<hr/> 685,233
Revenue for 1846, - - - - -	197,230
	<hr/> 488,007
Interest to 1st January, 1848, - - - - -	29,280
	<hr/> 517,287
Revenue for 1847, - - - - -	216,953
	<hr/> 300,334

Interest to 1st January, 1849, - - - - -	18,020
	<hr/>
Revenue for 1848, - - - - -	318,354
	238,648
	<hr/>
	79,706
Interest to 1st January, 1850, - - - - -	4,782
	<hr/>
	84,488
Revenue for 1849, - - - - -	202,512
	<hr/>
	178,024
	<hr/>

Thus it will be seen that our domestic debt will be paid off by the 1st of January, 1850, and leave in the Treasury applicable to the payment of our bonded debt, the above sum of \$178,024.

Our bonded debt, agreeably to the Governor's message, exclusive of the bank loan debt, is - - -	\$10,828,000
Interest from 1st January, 1841, to 1st January, 1850, nine years, is - - - - -	4,888,080
	<hr/>
	15,716,080
Amount of revenue for 1849, applicable to the payment of the above, is - - - - -	178,024
	<hr/>
	15,538,056
	<hr/>

Annual interest on the above sum, is	776,902
Revenue for 1850, is - - - - -	288,763
	<hr/>

Showing a deficit to pay the interest for 1850, of -	488,139
	<hr/>

Without having any means, whatever, to sink the principal of our debt.

The enquiry naturally arises, will the people of the State of Indiana suffer themselves to be taxed 60 cents on the \$100 in order to meet the interest of the public debt; give up all the revenues to be drawn from our bank stock? There then is no way presented to view by which they can ever pay off this unfortunate debt, illegally contracted, but by an additional and oppressive tax upon them and their property for several generations to come. We are of the opinion that it would be more than folly to attempt such a course; that it would be an injury to the holders of our bonds. That it might create such a prejudice in the minds of the people against the holders of our public securities, that time would not obliterate this feeling, and

the payment of a great portion of the debt might be endangered. It is then left with the bondholder to decide for himself, whether he will now enter into an arrangement to fund the whole debt in accordance with the justice of the case and our ability to pay, or let matters rest as they are, with a hope that the State may yet have resources unknown and altogether improbable.

We will not dictate to our bondholders, but will recommend to the Legislature the appointment of a commissioner, as suggested by his excellency, the Governor, to receive from the holders of our sureties, such propositions as they may be pleased to make to him; and we will take the liberty to make some suggestions that may be profitable to them. *They are these:* That in making these propositions to our commissioner that they take into their calculation,

1st. That Indiana does not acknowledge that our bonds were sold according to their will and the law emanating therefrom.

2nd. That money is now worth, in comparison with property, three times as much as it was worth at the time of the sales of their bonds, and that, therefore, if they had invested their money in other property, that it would not now command more than one third of the money that they would have paid for it.

3rd. That the bonds are not in first hands, and, therefore, did not cost the holder half their face.

4th. That the amount of bonds which the State ought to give in exchange for them, now in the hands of our creditors, ought to be an amount that would produce the same amount of interest that is produced by bonds held by them against European debts, which is equal to two and a half per cent. interest on the interest of our bonds in present hands. This arrangement would fund our bonds at about twenty-five cents to the dollar on our debt and interest.

Should such a proposition as this come from the holders of our bonds, it might well be considered by our Legislature, whether an arrangement might not be made with our domestic creditors so as to command the payment of our bondholders, their interest at least, on the 1st day of January, 1847. On this hypothesis we proceed to show how our State debt may be fully paid with the revenues derived from our present revenue laws.

1st. We have our bank loan bonds to be paid by the revenue derived from the bank, and state the residue of the bonded debt to be, as shown in the foregoing part of this report,	\$10,828,000
Interest from 1st January, 1841, to 1st January, 1846,	2,715,000
	<hr/> 13,543,000 <hr/>
One quarter of this sum is,	3,385,900
Interest on this sum to 1st January, 1847,	169,295
	<hr/> 3,555,195 <hr/>

Domestic debt as above shown, - -	779,000	
Interest to 1st July, 1846, - -	46,750	
	<hr/>	
	825,750	
Revenue of 1845, - - - -	179,300	
	<hr/>	
	646,450	
Interest to 1st July, 1847, - - -	38,787	
	<hr/>	
	685,237	
Revenue for 1846, - 197,230		
Interest on bonded debt, 169,295		
	<hr/>	
	27,935	169,295
	<hr/>	
	657,302	3,385,900
Interest to 1st January, 1848,	39,438	
	<hr/>	
	696,740	
Revenue for 1847, - - 216,953		
Interest on bonded debt, 169,295		
	<hr/>	
	46,659	
	<hr/>	
	650,081	
Interest to 1st January, 1849,	39,004	
	<hr/>	
	689,085	
Bonded debt up to 1st January, 1849, - - -		3,385,900
Domestic debt 1st Jan., 1849,	689,085	
Revenue for 1848, - - 238,648		
Interest on bonded debt, - 169,295		
	<hr/>	
	69,353	
	<hr/>	
	619,732	
	37,183	
	<hr/>	
	656,915	
Revenue for 1849, - - 262,512		
Interest on bonded debt, - 169,295		
	<hr/>	
	93,217	
	<hr/>	
	563,698	
	33,821	
	<hr/>	
	597,519	
Revenue for 1850, - - 288,763		

Revenue for 1857,	-	-	-	-	-	-	562,839
							<hr/> 2,013,127
Interest to 1st January, 1859,	-	-	-	-	-	-	100,656
							<hr/> 2,113,783
Revenue for 1858,	-	-	-	-	-	-	619,122
							<hr/> 1,494,661
Interest to January, 1860,	-	-	-	-	-	-	74,733
							<hr/> 1,569,394
Revenue for 1859,	-	-	-	-	-	-	600,000
							<hr/> 969,394
Interest to 1st January 1861,	-	-	-	-	-	-	48,469
							<hr/> 1,017,863
Revenue for 1860,	-	-	-	-	-	-	600,000
							<hr/> 417,863
Interest to 1st January, 1862,	-	-	-	-	-	-	20,893
							<hr/> 438,776
Revenue for 1861,	-	-	-	-	-	-	438,776
							<hr/> <hr/>

By this arrangement our whole debt would be paid by the first of January, 1862.

JOEL VANDEVEER.

On motion by Mr. Herod,

The House took up bill of the Senate,

No. 247. A bill to incorporate the church of the United Brethren, or Moravians, and to legalize the election and acts of the trustees thereof;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

On motion,

The House proceeded to the consideration of

BILLS ON THE SECOND READING.

No. 205. A bill relating to the safety and protection of the Wash and Erie canal;

Was read a second time, and,

On motion by Mr. Bradley,

Was laid on the table.

No. 207. A bill to exempt certain personal property from taxation;

Was read a second time; and,

On motion,

Was laid on the table.

No. 208. A bill to repeal a portion of an act, entitled, "an act to authorize Richard M. Kirk to raise his mill dam three feet higher," approved February 3rd, 1837;

Was read a second time; and

On motion by Mr. Montgomery,

Was laid on the table.

No. 210. A bill for the relief of John Drummond;

Was read a second time, and ordered to be engrossed for a third reading.

No. 206. A bill correcting the boundary line of Richardville county;

No. 234. A bill to locate a State road therein named;

No. 211. A bill to amend an act entitled, "and act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis Railroad Company;

No. 214. A bill relative to official bonds;

No. 212. A bill prescribing a uniform mode of ascertaining by weight, the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 213. A bill to legalize the official acts of Mark Manlove, road commissioner;

No. 215. A bill to encourage female school teachers in the county of Franklin;

Were severally read a second time, considered as engrossed, the rules being suspended therefor, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 216. A bill to amend an act, entitled, an act amendatory of an act, entitled, an act to authorize the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county, approved February 11, 1843;

Was read a second time; when

Mr. Smith moved to lay the bill on the table;

And the ayes and noes being demanded by Messrs. Smith and Huckaby,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Colms, Endicott, Ford, Gregory, Heustis, Hill, Legg, McAllister, McClure of Scott, Manville, Miller, Nimmon, Nutter, Pettit, Robinson of Carroll, Robinson of Decatur, Shanks, Shively, Smith, Stapp, Tague, Turman, Vanderveer, and Wright of Wayne—27.

Those who voted in the negative are,

Messrs. Blakemore, Claypool, Duzan, Handy, Hannah, Hardin, Hauser, Hazelrigg, Hinchman, Hodges, Hoggatt, Huckaby, Jones of Fountain, Kelley, Leslie, Lewis of Dearborn, Lewis of Wayne, Little, Matlock, Montgomery, Mooney, Odell, Osborn, Palmer, Pomeroy, Rich, Rose, Shelby, Stophlet, Tingley, Tomlinson, Walker, Wolf, and Mr. Speaker—31.

No quorum having voted, a new count was ordered, which resulted as follows:

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bradley, Brecount, Brown, Byers, Colms, Endicott, Ford, Foresman, Garrett, Gregory, Grubbs, Hambrick, Hardin, Heustis, Hill, Hodges, Hostetter, Huey, Jamison, Jones of Vigo, Kerr, Legg, McAllister, McClure of Scott, Manville, Nutter, Pettit, Pomeroy, Rich, Robinson of Carroll, Rosseau, Shanks, Shively, Smith, Stapp, Stophlet, Sullivan, Tague, Turman, Vandever, and Wills—43.

Those who voted in the negative are,

Messrs. Blakemore, Bruce, Claypool, Conduit, Cowen, Davis, Duzan, Handy, Hannah, Hauser, Hazelrigg, Herod, Hinchman, Hoggatt, Huckaby, Jones of Fountain, Kelley, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Montgomery, Mooney, Odell, Palmer, Robinson of Decatur, Rose, Shelby, Tingley, Tomlinson, Walker, Wolf, Wright of Wayne, and Mr. Speaker—37.

So the bill was laid on the table.

No. 217. A bill amendatory of the law regulating the trials of appeals in the circuit courts from justices of the peace;

Was read a second time; when

Mr. Robinson of Carroll moved to lay the bill on the table.

Which did not prevail.

The bill was then ordered to be engrossed for a third reading.

On motion by Mr. Leslie,

The House took from the table,

No. 420. A bill making specific appropriations for the year 1845;

Mr. Leslie offered the following amendments:

Add to the amount allowed Peck & Willard the further sum of \$9 82 for crape furnished for use of the House, (18th sec.)

Amend Sec. — by adding \$7 00 to the amount allowed S. V. B. Noel for printing five quire bonds for Quarter Master General.

Amend further by adding to the bill the following sections:

Sec. — Charles Nutmyer be allowed two dollars for services performed at the funeral of the Hon. Jared Darrow, deceased.

That William Burd be allowed the sum of six dollars for services rendered the House, at and preparatory to the funeral of the Hon. Jared Darrow, deceased.

That Dr. — Dunlap be allowed the sum of five dollars for medical attendance upon the Hon. Jared Darrow.

That Alvord & Ream be allowed the sum of eleven dollars and fifty cents, for services rendered the House during the sickness and at the funeral of the Hon. Jared Darrow.

That Messrs. Hall & Hubbard be allowed the sum of five dollars and thirty-seven cents for merchandize furnished for the funeral of the Hon. Jared Darrow.

That the widow of the Hon. Jared Darrow be allowed the sum of one hundred dollars for his mileage and service as a member of this House.

That Abram Hupp and Jethro Wood be allowed the sum of five dollars each for attendance upon the Hon. Jared Darrow, deceased.

That Harvey Nutting be allowed twenty dollars and thirty-two cents, it being the amount paid by said Nutting as a penalty and interest for non payment of land for the year 1838, to be credited to him for land taxes in the county where the land lies;

Which were adopted.

Mr. Conduit moved to amend the — sec. by striking out \$85, as the allowance made to Wm. S. Roberts, and insert \$3 50 per day for his services.

And the ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Brown, Claypool, Colms, Conduit, Davis, Endicott, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Hazelrigg, Helwig, Heustis, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McAllister, McClure of Knox, McGauhey, Miller, Montgomery, Nimmon, Nutter, Odell, Parker, Pettit, Rich, Robinson of Decatur, Shanks, Shelby, Shively, Smith, Stophlet, Tague, Tomlinson, Turman, Vandever, Wills, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—60.

Those who voted in the negative are,

Messrs. Brecount, Byers, Duzan, Gregory, Handy, Hannah, Hardin, Hauser, Herod, Hostetter, Howard, Manville, Mooney, Osborn, Peek, Pomeroy, Robinson of Carroll, Rose, Rosseau, Simonson, Stapp, Sullivan, Tingley, and Walker—24.

So the amendment was adopted.

Mr. Tingley moved to amend the bill by allowing to Mr. Roberts \$31 for expenses of horsehire in addition to his former allowance.

Which was not adopted.

Mr. Jones of Fountain moved to reconsider the vote taken on Mr. Conduit's amendment.

And the ayes and noes being demanded by Messrs. Bradley and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Boardman, Brecount, Byers, Cowen, Endicott, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hodges, Hoggatt, Hostetter, Howard, Huey, Jones of Fountain, Jones of Vigo, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Osborn, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Simonson, Stapp, Tingley, and Vandever—40.

Those who voted in the negative are,

Messrs. Blakemore, Bradley, Brown, Bruce, Claypool, Colms, Conduit, Duzan, Ford, Fry, Grubbs, Hambrick, Hazelrigg, Hinchman, Huckaby, Jamison, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Odell, Parker, Robinson of Decatur, Rosseau, Shanks, Shelby, Shively, Smith, Stophlet, Sullivan, Tague, Tomlinson, Turman, Wills, Wilson, Wolf, and Wright of Wayne—42.

So the vote was not reconsidered.

Mr. Huckaby offered the following amendment to the section appropriating to the Adjutant and Quarter Master General:

"And that the sum of twenty dollars be and is hereby appropriated to pay the office rent of the Adjutant General."

Which was adopted.

Mr. Leslie offered the following amendment:

"SEC. —. That Henry W. De Puy be allowed the sum of \$19 80 that being his account against the members and officers of this House for furnishing them with the Indiana Freeman."

Mr. Parker moved to amend the amendment as follows:

"Strike out the amendment and insert, that each member pay the regular subscription price for the time that he has been furnished with the Indiana Freeman."

Which was not adopted.

The question then recurring on Mr. Leslie's amendment,

The ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Bradley, Claypool, Conduit, Endicott, Ford, Foreman, Gregory, Grubbs, Hannah, Hazelrigg, Helwig, Herod, Heustis, Hoggatt, Huckaby, Huey, Jones of Fountain, Leslie, Manville,

Montgomery, Mooney, Osborn, Palmer, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Rosseau, Shelby, Shively, Simonson, Stapp, Stophlet, Tingley, Turman, Vandever, Walker, and Mr. Speaker—41.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Brown, Byers, Colms, Fry, Garrett, Hambrick, Handy, Hardin, Hauser, Hill, Hodges, Hostetter, Howard, Jamison, Kelly, Kerr, Legg, Lewis of Wayne, Little, McAllister, McClure of Scott, McClure of Knox, McGauhey, Miller, Nimmon, Nutter, Parker, Robinson of Decatur, Shanks, Sullivan, Tague, Tomlinson, Wills, Wolf, and Wright—39.

So the amendment was adopted.

Mr. Manville offered the following amendment :

Amend by inserting Michael Jannagan, for assistant door-keeper, before the election of door-keeper took place, the sum of \$5 00 ;

Which was adopted.

Mr. Manville also offered the following amendment :

Amend by inserting twenty dollars for travelling expenses to Wm. S. Roberts, while engaged in subpoenaing witnesses in the case of the Hon. A. T. Rose ;

Which was adopted.

The bill was then considered as engrossed, the rules suspended, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded to the orders of the day.

BILLS ON THE SECOND READING.

No. 218. A bill declaring Lick creek in Owen county a public highway ;

No. 225. A bill to amend the probate law ;

No. 226. A bill for the relief of the poor ;

No. 233. A bill to relocate a part of a State road therein named ;

Were severally read a second time, considered as engrossed, the rules being suspended, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 219. A bill providing for the sale of lands mortgaged to the sinking fund and forfeited to the State of Indiana, and for other purposes ;

Was read a second time ; and,

On motion by Mr. Gregory,

Was laid on the table.

No. 229. A bill to attach a certain portion of Perry county to the county of Crawford ;

Was read a second time ; and,

The question being,

“Shall the bill pass?”

It was decided in the negative.

No. 230. A bill to modify and change a part of the boundary line between the counties of Marion and Hendricks ;

No. 240. A bill to repeal an act, entitled, an act to authorize the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county, approved January 29, 1842, and an act amendatory of said act, approved February 11, 1843 ;

Were severally read a second time ; and,

On motion,

Was laid on the table.

No. 231. A bill for the relief, of Hendricks & Son ;

Were read a second time ; when

Mr. Sullivan moved to suspend the rules, and read the bill a third time now.

The ayes and noes being demanded by two members,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Boardman, Claypool, Duzan, Endicott, Foresman, Fry, Gregory, Grubbs, Hambrick, Handy, Hannah, Hazelrigg, Helwig, Herod, Hodges, Huey, Jamison, Jones of Fountain, Jones of Vigo, Lewis of Wayne, McClure of Knox, Matlock, Miller, Montgomery, Mooney, Nimmon, Odell, Osborn, Palmer, Pomeroy, Rich, Robinson of Decatur, Shanks, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Turman, Walker, Wills, Wilson, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Brecount, Brown, Byers, Colms, Conduit, Davis, Ford, Garrett, Hardin, Hauser, Heustis, Hinchman, Hoggatt, Hostetter, Howard, Huckaby, Kelley, Kerr, Legg, Leslie, Little, McAllister, McClure of Scott, Parker, Peek, Pettit, Simonson, Snook, Tague, and Vandever—29.

So the rules were not suspended, and the bill was ordered to be engrossed for a third reading.

The following message was received from the Governor by Mr. Kinder, his private secretary:

MR. SPEAKER:

I am instructed by his Excellency, the Governor, to inform the House of Representatives, that he has this day signed and approved the following acts :

No. 283. An act to relocate the county seat of Martin county, approved January 11, 1845 ;

No. 103. An act to incorporate the Mechanics' Institute at Lafayette, in the county of Tippecanoe;

No. 118. An act legalizing special sessions of the board of county commissioners;

No. 129. An act to change the name of Anna Maria Schmoll;

No. 112. An act, entitled, an act regulating the election of supervisors in the counties of De Kalb and Steuben;

No. 110. An act to amend section eighty-eight, chapter forty-eight, article fourth, part third, of the Revised Statutes of 1843;

No. 196. An act to incorporate the Union Literary Society of South Hanover College;

No. 108. An act extending the provisions of an act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844;

No. 101. An act to change the mode of doing county business in the county of Crawford;

No. 97. A joint resolution on the subject of the Cumberland road, and harbor at Michigan city;

No. 88. An act to amend an act, entitled, an act to incorporate the town of Columbus in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes;

No. 84. An act to regulate the fees of county treasurers, for receiving and expending the county seminary fund;

No. 37. An act legalizing certain proceedings had in the office of school commissioner, in the county of Marshall;

No. 38. A act to authorize the board of commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river, at the town of Columbus, in said county;

No. 44. An act to repeal the act, entitled, an act relative to overseers of the poor, approved January 15, 1844, so far as the same is in force in Bartholomew and Spencer counties;

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the central canal;

No. 51. An act to legalize the election of trustees of the Enon Church of General Baptists, in Gibson county;

No. 58. An act to repeal a part of section 56, chapter 12, of the Revised Statutes of 1843;

No. 69. An act for the relief of Ann Mathews;

No. 68. An act to vacate a certain alley in the town of Pittsburgh, Carroll county;

No. 73. An act to authorize Gustavus A. Rose and others, to file their petition before the board of county commissioners of Laporte county;

No. 83. An act to authorize plaintiffs to collect the bid of purchasers at sheriffs' and constables' sales, and to repeal the 429th section of the 40th chapter of the Revised Statutes of 1843;

No. 303. An act to authorize the construction of a levee on the banks of Blue river in Shelby county;

No. 275. An act to amend the 7th article of the 13th chapter of Revised Statutes, so far as the county of Lawrence is concerned;

No. 32. An act to abolish the office of county Auditor in the county of Tipton;

No. 145. An act to amend an act entitled an act for the relief of John Law, Lucius H. Scott, Hugh Steward, Henry V. McCall, James B. McCall, and Mary T. McCall, the heirs and legal representatives of James B. McCall, deceased, approved January 15th, 1844;

No. 282. An act for the relief of the heirs and legal representatives of Hezekiah B. Luckett and Sarah Yandel;

No. 249. An act to amend an act for the relief of Ann Frankbower, approved January 15, 1844;

No. 251. An act to extend the term of February, A. D., 1845, of the Miami probate court;

No. 277. An act declaring a road in Tippecanoe county a State road;

No. 290. An act to legalize the acts of John Harden, a Justice of the Peace of Hamilton county;

No. 291. An act for summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees;

No. 296. An act authorizing the county commissioners of Dekalb county to assess a road tax;

No. 310. An act amendatory of an act entitled an act for the relief of the sureties of William H. Darnell, former school commissioner of Hendricks county;

No. 86. An act to authorize George French to construct a dam across the Wabash river;

No. 33. An act to amend an act, providing for the election of a school commissioner in Russell township, in the county of Putnam;

No. 35. An act to authorize Ruel Starr to erect a mill-dam across the Calumet river;

All of which originated in the House of Representatives.

No. 232. A bill in relation to the navigation of the St. Mary's river;

Was read a second time, considered as engrossed, the rules being suspended, read a third time, and passed.

Ordered, That the Senate be informed thereof.

No. 235. A joint resolution giving to certain members a copy of the Revised Statutes;

Was read a second time, when

Mr. Pettit moved to lay it on the table;

Which did not prevail.

The rules were suspended, the bill was read a third time; and,

On motion by Mr. Grubbs,

Was amended by the unanimous consent of the House, as follows:

Insert in its proper place the following:

“And who have not previously received, as such member or clerk, a copy.”

The question then being,

“Shall the bill pass?”

The ayes and noes were demanded by two members.

Those who voted in the affirmative are,

Messrs. Barclay, Brecount, Brown, Bruce, Davis, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Gregory, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hostetter, Howard, Huckaby, Huey, Jamison, Kerr, Legg, Lewis of Wayne, McGaughey, Miller, Montgomery, Palmer, Peek, Simonson, Smith, Snook, Stophlet, Turman, Vandever, Walker, and Wright of Switzerland—39.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Boardman, Claypool, Colms, Conduit, Duzan, Grubbs, Hambrick, Hazelrigg, Herod, Hinchman, Hodges, Hoggatt, Jones of Fountain, Jones of Vigo, Kelley, Leslie, McAllister, McClure of Knox, McClure of Scott, Matlock, Mooney, Nimmon, Nutter, Osborn, Parker, Pettit, Pomeroy, Rich, Robinson of Carroll, Robinson of Decatur, Shanks, Shelby, Shively, Stapp, Sullivan, Tague, Tingley, Tomlinson, Wilson, and Wright of Wayne—40.

So the bill did not pass.

No. 239. A bill to regulate the attendance of grand jurors in the fifth judicial circuit;

Was read a second time;

On motion by Mr. Hazelrigg,

Boone county was stricken out of said bill.

On motion by Mr. Handy,

Shelby county was stricken out.

The rules were then suspended, the bill was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 241. A bill to prevent the election of public defaulters;

Was read a second time, when

Mr. Pettit moved to lay the bill on the table;

And the ayes and noes having been demanded by Messrs. Pettit and Bruce,

Those who voted in the affirmative are,

Messrs. Bradley, Brecount, Hardin, Hauser, Hostetter, Kelley, McClure of Knox, Mooney, Pettit, Robinson of Carroll, Shively, Snook, Stapp, Tingley, and Wilson—15.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Brown, Bruce, Claypool, Conduit, Davis, Ford, Foresman, Fry, Garrett, Grubbs, Hambrick, Handy, Hazelrigg, Helwig, Herod, Heustis, Hinchman, Hodges, Hoggatt, Howard, Huckaby, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Legg, Leslie, Little, McAllister, McClure of Scott, McGauhey, Matlock, Miller, Montgomery, Nimmon, Nutter, Palmer, Parker, Peek, Pomeroy, Rich, Robinson of Decatur, Rose, Rosseau, Shelby, Smith, Stophlet, Sullivan, Tague, Vandever, Walker, Wills, Wolf, Wright of Switzerland, Wright of Wayne, and Mr. Speaker—59.

So the bill did not lie on the table.

Mr. Rose moved to amend as follows :

Insert in its proper place in said bill the following words :

Which shall be paid back to said county by the person so elected ;

Which was adopted.

The rules were then suspended, the bill considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 242. A bill fixing the fees of jurors in the several counties of therein named ;

No. 244. A bill to carry into effect the provisions of a certain act therein named ;

No. 243. A bill to locate a certain State road therein named ;

Were severally read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stapp gave notice, that he would, on the next legislative day, move to rescind the 17th joint rule of the Senate and House of Representatives, for and during the present session.

No. 245. A bill for the punishment of certain crimes therein named ;

Was read a second time.

Mr. Miller moved to amend as follows :

Amend by striking out all after the word "seminaries" in the 8th line of the 1st section to "shall" in the 11th line of said section, except the words "or who" in the tenth line, and insert after the word "shall" in the 11th line, "feloniously."

Strike out "in" in the 2nd line of the 2nd section, and insert "within the."

Strike out "with" in the 2nd line of the 2nd section, and insert "of."

Mr. Tague moved to amend as follows :

Amend so that the damage shall amount to five dollars.

Mr. McClure of Knox moved to lay the bill and amendments on the table ;

Which did not prevail.

Mr. Tague's amendment was then adopted.

On motion by Mr. Vandever,

The bill and amendments were indefinitely postponed.

On leave granted,

Mr. Pomeroy offered the following resolution:

Resolved, That this House, when it adjourns, will adjourn to meet at half past six o'clock, P. M. ;

Which was adopted.

On leave granted,

Mr. Rich offered the following resolutions :

Resolved, That the thanks of this House be tendered to John H. Farquhar and George M. Davis, clerks of this House, during the present session, for the able and courteous manner in which they have discharged their several duties.

Resolved, That the thanks of this House also be tendered to Mr. Markle, sergeant-at-arms, for the watchfulness with which he has regarded the order of the lobby, and the general and prudent discharge of his duties ; and to Mr. Tilton, for the indefatigable manner in which he has attended upon the wants of this House, and for the judgment he has exercised in the selection of his co-workers.

Which were adopted.

On motion,

The House adjourned.

Half past 6 o'clock, P. M.

The House met.

Mr. Tingley, having obtained leave, made the following report :

MR. SPEAKER:

The committee on the judiciary, to which was referred two remonstrances against relocating the county seat of Martin county, have instructed me to report the same back to the House, and recommend that they be laid on the table.

Which report was concurred in.

Mr. Peek then obtained leave to withdraw certain papers from the files in relation to the same subject.

On motion by Mr. Stophlet,

The House took up bill of the Senate,

No. 48. A bill to ratify the proceedings of the common council of the city of Fort Wayne ;

Was read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House took up the following bills:

No. 298. A bill providing for the education of the indigent blind of the State of Indiana;

No. 331. A bill to abolish the office of county auditor in certain counties therein named;

No. 246. A bill to authorize Mary Ann Bruner of Ripley county, to file her bill in the Ripley circuit court, for a divorce from her husband Joel Bruner;

Which were severally read a second time, considered as engrossed, the rules being suspended therefor, read a third and passed.

Ordered, That the Senate be informed thereof.

On motion by Mr. Osborn,

The House took up,

No. 253. A bill providing for the publication of certain laws therein named.

Mr. Osborn offered the following amendment:

Amend House bill No. 253, by striking out the second section, and insert the following:

SEC. 2. It is hereby made the duty of the Secretary of State, so soon as said work is published, to distribute the said five hundred copies, in the following, to-wit: Three to each county—one for the use of the circuit court, one for the use of the county recorder, and one for the use of the county library, one for the Governor and Lieut. Governor, three for the use of the judges of the supreme court, one for the use of the Indiana law library, one for the Auditor of State, one for the use of the Treasurer of State, and two to each of the several United States and Territories; the remainder to be deposited and kept in the State Library: *Provided, however*, no unnecessary expense be incurred on account of an early distribution.

Which was adopted.

The bill was then considered as engrossed, the rules being suspended, and read a third time;

And the question being,

“Shall the bill pass?”

It was decided in the negative.

Mr. Huckaby moved to reconsider the vote by which bill of the House No. 168 was laid on the table;

And the ayes and noes being called for by two members,

Those who voted in the affirmative are,

Messrs. Bell, Boardman, Claypool, Duzan, Grubbs, Hazelrigg, Herod, Hinchman, Hoggatt, Huckaby, Legg, Lewis of Dearborn, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, Miller, Nimmon, Parker, Robinson of Decatur, Shanks, Tague, Tingley, Tomlinson, Vandever, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—29.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Bradley, Brecount, Brown, Bruce, Byers, Colms, Davis, Endicott, Ford, Foresman, Fry, Fuller, Garrett, Gregory, Hambrick, Handy, Hauser, Helwig, Heustis, Hodges, Hostetter, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, McAllister, McGauhey, Manville, Matlock, Montgomery, Odell, Osborn, Peek, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Sullivan, Wills, and Mr. Speaker—51.

So said vote was not reconsidered.

No. 252. A bill to prevent the unnecessary waste of the people's money;

Was read a second time, and,

On motion by Mr. Handy,

Laid on the table.

No. 255. A bill to amend the 109th section of the 16th chapter of the Revised Statutes of 1843;

No. 362. A bill for the relief of purchasers of school lands in the counties of Randolph and Delaware belonging to Congressional township No. 8 of Monroe county;

Were severally read a second time, considered as engrossed, the rules being suspended, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 260. A bill to amend an act entitled, an act establishing a State bank, approved January 28, 1834, and the several acts amendatory thereof;

Was read a second time, and,

On motion by Mr. Stapp,

Laid on the table.

No. 263. A bill to incorporate the Indianapolis and Lafayette turnpike company;

Was read a second and third times, the rules being suspended therefor, and,

On motion by Mr. Hazelrigg,

Was amended, by the unanimous consent of the House, by adding the following section to the bill:

"SEC. 5. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within two years from and after the passage of this act."

The bill then passed.

Ordered, That the Senate be informed thereof.

No. 267. A bill to change the time of holding the probate courts in the counties of Martin and Franklin;

Was read a second and third times, the rules being suspended therefor, and passed, with the following amendment, which was unanimously consented to:

On motion by Mr. Palmer:

Amended so that the probate courts in Franklin county shall be held on the first Monday in March instead of the second Monday in February, and first Monday in September instead of second Monday in August.

Ordered, That the Clerk inform the Senate thereof.

No. 269. A bill to repeal an act declaring the Mississinewa river a public highway;

Was read a second time and referred to the committee on roads.

No. 270. A joint resolution on the subject of the public lands in the State of Indiana;

Was read a second time, when

Mr. Osborn moved to strike out all that portion of said joint resolution which relates to the graduation of the price of public lands.

Mr. Rich moved to amend by adding the following:

"And to provide for the distribution of the proceeds thereof, and that our Senators be further instructed and our Representatives requested to vote for a law giving the proceeds of the public lands to the States."

Mr. Robinson of Carroll moved the previous question:

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question then being put,

"Shall the joint resolution be engrossed?"

It was decided in the affirmative.

The rules were suspended, the bill was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 286. A bill to locate a State road in the counties of Randolph and Delaware;

No. 292. A bill establishing a State road in the counties of Putnam and Clay;

Were severally read a second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 288. A bill to authorize the superintendent of the Wabash and Erie canal to settle with William Sill;

Was read a second time, and ordered to be engrossed.

No. 294. A bill relative to road taxes in Carroll county;

Was read the second time, and,

On motion by Mr. Rich,

Was laid on the table.

No. 297. A bill to protect the people against exorbitant and oppressive charges for medical services;

Was read the second time, and,

On motion by Mr. Hoggatt,

Was laid on the table.

No. 307. A bill in relation to the public debt;

Was read a second time, when

Mr. Conduit moved to lay the same on the table.

And the ayes and noes being demanded by Messrs. Bell and Vandever,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Boardman, Bradley, Brown, Byers, Claypool, Conduit, Davis, Ford, Foresman, Fry, Gregory, Grubbs, Hambrick, Hannah, Hauser, Hazelrigg, Helwig, Herod, Hinchman, Hostetter, Huckaby, Huey, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McClure of Scott, McGauhey, Matlock, Montgomery, Nimmon, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Shanks, Shelby, Simonson, Smith, Snook, Stapp, Stophlet, Tague, Tingley, Tomlinson, Wilson, Wolf, Wright of Switzerland, and Wright of Wayne—55.

Those who voted in the negative are,

Messrs. Anthony, Blakemore, Brecount, Bruce, Colms, Duzan, Endicott, Garrett, Handy, Hardin, Heustis, Hodges, Hoggatt, Howard, Jones of Fountain, Jones of Vigo, Lewis of Dearborn, McAllister, Manville, Miller, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Rose, Shively, Sullivan, Turman, Vandever, Wills, and Mr. Speaker—32.

So the bill was ordered to lie on the table.

Mr. Simonson moved to reconsider the vote just taken by which No. 307 was laid on the table;

Which motion prevailed.

The question recurred on the motion to lie on the table;

Which did not prevail;

When Mr. Speaker, (Mr. Robinson of Carroll in the chair,) moved to amend, by striking out "agent and other officers," wherever it occurs, and insert "Governor," and make the bill compatible;

Which amendment was adopted.

The rules were then suspended, the bill considered as engrossed, and read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 320. A bill for the relief of Alexander Beard;

Was read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 330. A bill to amend an act entitled, an act to reduce the tolls on the New Albany and Vincennes turnpike road, approved January 13, 1843;

No. 332. A bill to authorize Thomas Carrier to erect a dam across Black creek;

Were severally read the second time, and,

On motion,

Were laid on the table.

No. 349. A bill to revive an act therein named ;

No. 352. A bill to amend the 5th article of the 12th chapter of the Revised Statutes of 1843, so far as relates to the county of Morgan ;

No. 356. A bill to compel speculators to pay a road tax equal to that paid by actual settlers, in the county of Randolph ;

No. 357. A bill defining the duty of petitioners for the formation of new counties ;

No. 336. A bill to change the name of the town of New Market, in Miami county, to Chili ;

No. 339. A bill to locate a State road in Decatur and Ripley counties ;

No. 342. A joint resolution for the relief of the heirs of Henry Martin ;

Were severally read a second time, considered as engrossed, the rules being suspended, read a third time, and passed.

Ordered, That the Senate be informed thereof.

No. 340. A bill to regulate the fees of recorders in certain cases ;

No. 341. A joint resolution appointing George W. Lane examiner of the Auditor's office ;

No. 344. A joint resolution relative to the abolition of slavery in the District of Columbia ;

No. 350. A bill providing for funding the principal and interest of the internal improvement debt of Indiana, and payment of the same ;

Were severally read a second time and laid on the table.

No. 351. A bill to repeal an act entitled an act for the relief of the Miami and other Indians, and also the third section of the twenty-eighth chapter of the Revised Statutes ;

Was read a second and third times, the rules being suspended therefor ;

And the question being,

"Shall the bill pass?"

The ayes and noes were called by Messrs. Hinchman and Claypool.

Those who voted in the affirmative are,

Messrs. Anthony, Bell, Blakemore, Boardman, Bradley, Brecount, Brown, Byers, Colms, Conduit, Davis, Duzan, Ford, Fry, Garrett, Gregory, Grubbs, Hambrick, Handy, Hannah, Hardin, Hauser, Helwig, Herod, Heustis, Hodges, Hoggatt, Hostetter, Howard, Huey, Jamison, Jones of Fountain, Jones of Vigo, Kerr, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, McGauhey, Manville, Matlock, Miller, Montgomery, Mooney, Odell, Osborn, Palmer, Parker, Pettit, Pomeroy, Rich, Robinson of Carroll, Rose, Shanks, Shelby, Shively, Simonson, Smith, Snook, Stapp, Stophlet, Tague, Tomlinson, Turman, Vandever, Wills, Wright of Wayne, and Mr. Speaker—68.

Those who voted in the negative are,

Messrs. Barclay, Bruce, Claypool, Foresman, Hazelrigg, Hinchman, Huckaby, Legg, Leslie, McClure of Knox, Nimmon, Peek, Robinson of Decatur, Sullivan, Tingley, Wilson, and Wolf—17.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 338. A bill to repeal part of a certain act therein named ;

Was read a second time, when

Mr. Claypool moved to amend by striking out from the enacting clause and inserting a new bill ;

Which was adopted.

The bill was then considered as engrossed, the rules were suspended, the bill was read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 366. A bill to legalize certain acts of masters in chancery in the counties of Fulton, Marshall, and Laporte, and for other purposes ;

No. 365. A bill limiting the fees of Auditor in the county of Marshall ;

Was read the second time, when

Mr. Pomeroy moved to amend the first section by adding the following words :

“Provided, however, The said Auditor shall receive the sum of two dollars per day for all time necessarily employed in the posting of the books and records of the office of said Auditor up to the first day of January, 1845 ;

Which was adopted.

Then the bill was considered as engrossed, read a third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 358. A bill for the relief of Ebenezer A. Goddard of the county of Adams ;

No. 360. A bill to amend an act entitled an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844 ;

No. 368. A bill allowing additional compensation to the Auditor of Monroe county ;

No. 387. A joint resolution to loan a theodolite to Asbury University ;

Were severally read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 367. A bill to incorporate the Miltown bridge company ;

Was read the second time, when

Mr. Brown moved to amend the 4th section in the first line by inserting in the blank thereof “100,” and insert in the blank in the 3rd section of said bill the names of “Dennis Pennington, Samuel Clark,

Martin Mason, Jesse M. Priest, Asa Roseinbarger, and William Henry, and that each county board shall appropriate 50 shares;"

Which were adopted.

Mr. Wilson moved to amend further by adding the following proviso:

Provided, however, That the boards doing county business in the said counties of Harrison and Crawford, shall, at their next March term, decide whether they will or will not appropriate the aforesaid sums of two hundred and fifty dollars each, in aid of the construction of such bridge;

Which was adopted.

The rules were suspended, the bill considered as engrossed, read the third time, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 383. A bill to provide for the completion of the Wabash and Erie canal to Terre Haute;

No. 398. A bill defining the various kinds of tariffs in the United States, and for various other purposes;

No. 400. A bill to establish an asylum for the education of deaf and dumb persons;

No. 376. A bill explanatory of an act entitled an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844;

Which were severally read the second time; and,

On motion,

Were severally laid on the table.

No. 402. A bill for the relief of certain persons therein named;

Was read the second time and ordered to be engrossed for a third reading.

No. 407. A bill to collect and arrange certain statistical information relative to agriculture and other branches of industry;

No. 406. A bill for the relief of Hyacinth Lassell;

No. 413. A bill changing the county boundaries of the counties of Wabash, Fulton, and Kosciusko;

Were severally read a second time and laid on the table.

No. 416. A bill to relocate the seat of justice of the county of Jasper;

Was read a second time, and ordered to be engrossed.

No. 415. A bill for the relief of Zera Sutherland;

Was read a second time; when

Mr. Hazelrigg, having obtained leave, made the following counter report, on that subject:

The undersigned, one of the members of the select committee, to whom was referred the petition of Zera Sutherland for relief, is compelled to dissent from the report of the majority of the committee.

From an examination of the petition of Mr. Sutherland, the statement of the engineer, the original contract, and other vouchers, I am

of the opinion, that the claims of the petitioner for relief, are as flimsy and unfounded as I ever knew presented for legislative action, not having the remotest shadow of foundation either in law or equity.

H. G. HAZELRIGG.

On motion by Mr. Vandever,
The bill was laid on the table.

BILLS ON THE THIRD READING.

No. 131. A bill repealing section 76, article 4, chapter 15, of the school laws of the Revised Code, in the counties of De Kalb and Steuben;

No. 227. A bill to change the venue in certain suits instituted by the Vincennes University;

No. 347. A bill to revise an act, entitled, an act to incorporate the city of Logansport, approved February 17, 1838;

No. 372. A bill for the relief of the purchasers of lands in the seminary townships in Monroe county;

No. 391. A bill to correct an error in an act, entitled, an act to authorize the board doing county business in the county of Clay, to transcribe a certain record therein named, and for other purposes, approved February 9, 1843;

No. 374. A bill concerning releases;

Were severally read a third time and passed.

Ordered, That the Senate be informed thereof.

No. 382. A bill to extend the time for the payment of taxes in Hendricks and Wayne counties;

No. 135. A bill for the repair of roads in certain cases;

Were severally read a third time, and laid on the table.

No. 198. A joint resolution relative to the distribution of the proceeds of the sales of the public lands;

Was read a third time; when

Mr. Simonson moved to lay the joint resolution on the table;

And the ayes and noes being demanded by Messrs. Huckaby and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Brecount, Brown, Byers, Davis, Duzan, Handy, Hannah, Hardin, Hauser, Helwig, Heustis, Hostetter, Howard, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Simonson, Snook, Tague, Turman, and Vandever—29.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce,

Claypool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Huey, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—51.

So the resolution does not lie on the table.

Mr. Herod moved the previous question :

Which was seconded by the House.

And the question then being,

“Shall the main question be now put?”

It was decided in the affirmative.

The main question then being put :

“Shall the joint resolution pass?”

The ayes and noes were called by Messrs. Vandever and Brown.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Turman, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—51.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Brown, Byers, Duzan, Handy, Hannah, Hardin, Hauser, Heustis, Hostetter, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Simonson, Snook, Tague, and Vandever—24.

So said joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Pettit,

The House reconsidered the vote taken on the rejection of joint resolution of the Senate,

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming.

The motion to reject was then withdrawn by the mover.

The rules were suspended, the bill was read a second time ; and,

On motion by Mr. Blakemore,

Was amended by inserting “trust,” between the words “other funds,” in the fifth line of the second section.

The rules were further suspended, the bill considered as engrossed, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 418. A bill to authorize the superintendent of the Wabash and Erie canal to construct an additional vent or vents to the culverts over the creek in the town of Lagro, in the county of Wabash;

Was read a third time; when

On motion by Mr. Bradley,

It was amended by the unanimous consent of the House by adding the following proviso:

Provided, That in the opinion of the superintendent the same be necessary.

The bill then passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Huckaby asked leave to introduce a bill,

Which was not granted.

BILLS ON THE THIRD READING.

No. 105. A bill declaratory of the meaning of section 29, chapter 3, article 3, of the Revised Statutes of 1843:

Was read a third time; when

Mr. Stapp called the previous question;

Which was seconded by the House;

And the main question was ordered to be put.

The main question then being,

"Shall the bill pass?"

It was decided in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

No. 171. A bill to encourage the killing of muskrats on the Wabash and Erie canal;

Was read a third time, and,

On motion by Mr. Pettit,

Amended by striking out "scalp" and inserting "tail."

The bill as amended then passed.

Ordered, That the Clerk inform the Senate thereof.

No. 188. A bill to change the time of holding probate courts in the county of Ripley;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 197. A bill to amend an act entitled, an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes, approved January 13, 1841;

Was read a third time, when

Mr. Rich moved to adjourn;

Which did not prevail.

Mr. Vandever having obtained the floor, and, during the debate,

Mr. Bradley claimed the floor;

Mr. Vandever denied that he yielded the same.

The Speaker decided that Mr. Vandever was entitled to the floor;

From which decision Mr. Bradley appealed.

The question being,

Shall the decision of the chair be the judgment of the House?

It was decided in the negative.

The House having decided that Mr. Bradley was entitled to the floor, he then moved the previous question;

Which was seconded by the House.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

And the main question then being put,

"Shall the bill pass?"

And the ayes and noes were demanded by Messrs. Handy and Vandever,

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Bell, Blakemore, Bradley, Bruce, Conduit, Ford, Fry, Grubbs, Helwig, Herod, Hinchman, Hostetter, Huckaby, Huey, Jamison, Kerr, Legg, Leslie, Lewis of Wayne, McClure of Knox, McGauhey, Matlock, Miller, Montgomery, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Stapp, Stophlet, Tingley, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—42.

Those who voted in the negative are,

Messrs. Brecount, Brown, Byers, Claypool, Colms, Duzan, Garrett, Gregory, Handy, Hardin, Heustis, Hodges, Jones of Vigo, Little, McAllister, McClure of Scott, Mooney, Palmer, Peek, Pettit, Rose, Snook, Tague, Turman, and Vandever—25.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS OF THE SENATE ON THE SECOND READING.

No. 13. A bill to provide for the inspection of whiskey, and for other purposes;

Was read a second time, and,

On motion by Mr. Grubbs,

Laid on the table.

No. 16. A bill to amend an act entitled, an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved February 18, 1840;

No. 19. A bill relative to the county treasurer of Dubois county;

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

No. 32. A bill for the relief of Isaiah W. Cron and Daniel McCaughan;

No. 34. A joint resolution relative to the improvement of the Wabash river;

No. 42. A bill to extend certain privileges in an act therein named;

No. 50. A bill to incorporate the German Military Band of Indianapolis;

No. 51. A bill defining the duties of county treasurers in certain cases;

No. 52. A bill to change the time of holding probate courts in Dearborn county;

No. 53. A bill legalizing the proceedings of the board of commissioners of Daviess county;

No. 47. A bill to incorporate a Presbyterian church in Wells county;

No. 64. A bill in relation to school commissioners;

No. 62. A bill to restrict the county commissioners in the counties of Noble and Lagrange to fifty cents on the one hundred dollars' valuation;

No. 67. A bill to amend an act entitled, an act authorizing the sale of certain land in Dubois county;

No. 69. A bill to extend the June term of the board doing county business in the county of Randolph;

No. 70. A bill to locate a State road in Allen county;

No. 71. A bill in relation to sales of real estate by executors and administrators;

No. 79. A bill to repeal an act entitled, an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington and Wells, approved January 15, 1844;

No. 92. A bill to amend an act therein named;

No. 97. A bill to declare a certain road therein named a State road;

No. 98. A bill to secure to recorders their fees in certain cases;

No. 102. A bill to amend an act entitled, an act to incorporate the Princeton Library Company;

No. 104. A bill to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 106. A bill prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 107. A bill to extend an act entitled, an act entitled an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840, approved January 15, 1844;

No. 108. A bill to legalize certain school loans in the county of Daviess;

No. 120. A bill for the relief of Elijah Masters of Daviess county;

No. 33. A bill to repeal in part an act entitled, an act to restrict the session of the grand jury to three days in each term of the Hancock circuit court, approved January 15, 1844;

No. 123. A bill to revive, in part, the 1st section of the 5th chapter of an act entitled an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838;

No. 129. A bill subjecting equitable interests in school lands to sale on execution;

No. 132. A bill to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 135. A bill for the benefit of bail for the stay of execution;

No. 138. A bill to repeal an act entitled "an act to amend an act entitled an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," approved January 15, 1844;

No. 153. A bill to authorize the purchase of real estate by Geo. W. Lane;

No. 169. A bill to incorporate the Laporte county mutual insurance company;

No. 189. A bill for the relief of David Wade, Lewis Orth, and James Thomas;

No. 219. A bill to incorporate the Philalethean literary society of South Hanover college;

No. 240. A bill incorporating the Ciceronean society of Franklin college;

No. 242. A bill for the relief of James Silvers of Rush county;

No. 239. A joint resolution on the subject of repudiating State debts;

No. 119. A bill to authorize the re-occupation (by the original proprietors) of lands set off to the use of the State under the various acts relating to internal improvements;

No. 177. A bill more effectually to enable supervisors to open and keep in repair highways;

All of which were severally read the second and third times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 156. A bill to authorize the closing up of the suspended debt;

Which was read the second and third times, the rules being suspended therefor;

And the question being,

"Shall the bill pass?"

It was decided in the negative.

No. 125. A bill to amend 102nd section of the 13th chapter of the Revised Statutes;

Which was read the second time; and,

On motion,

Laid on the table.

No. 207. A bill in addition to the 9th article of the 13th chapter of the Revised Statutes;

Which was,

On motion by Mr. Handy,

Laid on the table.

No. 58. A bill fixing the time of holding the circuit courts in the several judicial circuits ;

Was read a second time ; and

Laid on the table.

Mr. Peek moved to reconsider the vote taken on the passage of

No. 33. A bill of Senate to repeal, in part, an act entitled an act to restrict the session of the grand jury to three days at each term of the Hancock circuit court, approved January 15th, 1844 ;

Which prevailed.

On motion,

The bill was then laid on the table.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed engrossed bills thereof of the following titles :

No. 199. An act to establish a free turnpike road in Jay county ;

No. 245. An act for the relief of Thomas Murphy ;

Also, an engrossed joint resolution of the following title :

No. 238. A joint resolution in relation to the titles of purchasers from the State of seminary lands in Gibson county ;

In which bills and joint resolution I am directed to ask, respectfully, the concurrence of this House.

Bills Nos. 199 and 245, in said message mentioned,

Were read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

Joint resolution in said message mentioned, No. 238,

Was read a first and second times, the rules being suspended therefor ; when

Mr. Stapp moved to amend by striking out from the resolving clause and inserting a new resolution.

On motion,

The resolution was laid on the table.

On motion,

The House adjourned until Monday morning at half past eight o'clock.

MONDAY MORNING, JANUARY 13, 1845.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate has passed an engrossed bill of the House of Representatives, entitled

No. 379. An act making general appropriations for the year 1845; with two amendments;

In which I am directed to ask, respectfully, the concurrence of this House.

The second amendment of the Senate to bill of the House, in the above message mentioned,

Was concurred in.

The House refused to concur in the first amendment.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate has passed, without amendment, engrossed bills of the House of Representatives of the following titles, viz :

No. 59. An act authorizing the State Treasurer to receive certain treasury notes, and for other purposes;

No. 186. An act requiring an enumeration of the white male inhabitants of this State.

Mr. Wright of Wayne presented a petition from sundry German citizens of Wayne county, praying something (the petition being unreadable by the Clerk, being in German, he cannot set out the prayers;) which was,

On motion,

Laid on the table.

Mr. Grubbs presented the petition of Seth Hinchman and sixty-six others, citizens of Greensboro, Henry county, Indiana, praying the passage of an act to further restrain the selling of spiritous liquors in said county; which was,

On motion,

Referred to the judiciary committee.

On motion by Mr. Grubbs,

Messrs. Barclay and Conduit were added to the committee on enrolled bills.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared with the originals the following enrolled bill of the House, and find the enrollment correctly made :

No. 156. An act for the relief of Milton Stapp.

Whereupon the Speaker signed the same.

Ordered, That the Clerk inform the Senate thereof.

Mr. Huckaby presented the following protest :

The undersigned, a member of the General Assembly of the State of Indiana, avails himself of his constitutional privilege of protesting against the action of this House on the 11th day of January, 1845, in refusing to grant leave to the undersigned to introduce a bill to prevent frauds upon the treasury, and thereby guard the rights of the people. It may be said by those who opposed the granting of leave to the undersigned to introduce his bill, that it was out of order to introduce new matter after Thursday last, in accordance with a resolution of the House adopted previous thereto. But this, when duly considered, is only a pretext—a kind of presumptive shield to hide behind, for it must be remembered, that notwithstanding the adoption of said resolution, in more cases than one, there was entire new matter introduced in the shape of bills, the rules suspended, the bills read three times and passed. The undersigned admits the bills last aforesaid mentioned, were called bills local in their nature.

The undersigned protests against granting privileges in favor of local interests, in preference to the general interests of the State, believing as he does, the interest of the people of the State should be regarded, and guarded as a whole, over and above any other interest in a legislative point of view.

The bill the undersigned asked to introduce, is in the words and figures following, to-wit :

A bill declaratory of the eleventh section of an act to reduce the salaries of Governor of State, and other officers, approved December 14th, 1843.

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the words, “on the most usual road in going to and returning from the General Assembly” in the eleventh section in the above recited act, shall be construed to mean, on the direct and nearest road in travelling to and returning from the General Assembly, and mileage to be computed from each county seat to the seat of government of the State.

This act to take effect and be in force from and after its passage.

And that the passage of the above bill would have been a preventive, in a great measure, to those direct frauds upon the treasury. The frauds alluded to by the undersigned are of a specific character,

brought about by the construction, either wilfully or otherwise, put upon the words in the above recited section. The undersigned will show that the number of miles from Rome, Perry county, to Indianapolis, by mail route, is 156 miles. Mileage to be charged by the bill the undersigned asked leave to introduce, from Rome to Indianapolis, to and from would be 312 miles, at 12 cents per mile, would be \$37 44.

From Rome, Indiana, via Madison, Indiana, to Indianapolis, is 234 miles, to and from Rome, Indiana, to Indianapolis, via Madison, 468 miles at 12 cents, amounting to \$56 16—difference \$18 72.

From Rockport, Spencer county, Indiana, via Paoli, the direct route to Indianapolis, 165 miles or thereabouts; to and from Rockport to Indianapolis on this route via Paoli, 330 miles, at 12 cents per mile, \$39 60.

From Rockport, Spencer county, Indiana, via Madison, Indiana, to Indianapolis, 234 miles—to and from Rockport, Indiana, via Madison, Indiana, to Indianapolis, 568 miles; this at 12 cents per mile would be \$68 16—difference \$28 55.

From Evansville, Vanderburgh county, Indiana, to Indianapolis, direct route, 185 miles or thereabouts; to and from Evansville to Indianapolis, this route, 370 miles, at 12 cents per mile, \$44 40.

From Evansville, Indiana, to Indianapolis, via Madison, Indiana, 334 miles; to and from Evansville, Indiana, to Indianapolis, via Madison, 668 miles, this at 12 cents per mile, \$80 16—difference \$35 76.

In these three cases, upon the rule of construction put upon the statute, in such case made and provided, by some of the members of the General Assembly, there would be a fraud practised upon the treasury to the amount of \$83 04, and so in proportion to every other circuitous route that members may travel, and adopt as the most usual road in travelling to and returning from the General Assembly. And if testimony is wanting to prove that charges something similar to those specified in this protest, have been made against the State of Indiana, and the money drawn for the same, it is only necessary to call at the Auditor's office of State, and examine the vouchers on file in said office.

The undersigned most solemnly protests against any species of legislation, that will squint at, or look upon any such frauds practised upon the people's treasury with the least allowance, for by squinting at or by looking upon such frauds with allowance, there has been in all probability thousands of dollars of the people's money taken in this way.

And for the reasons set forth above, the undersigned enters his most solemn protest.

JOSHUA B. HUCKABY.

Mr. Tingley then presented the following protest :

The undersigned protests against so much of the foregoing protest as alleges any thing improper against the conduct of members of this

House, in refusing Mr. Huckaby leave to introduce the bill set forth in his protest; so far as he is concerned, he voted to give leave for the introduction of the same.

G. B. TINGLEY.

Mr. Robinson of Decatur made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of the county of Decatur, praying for the incorporation of a company to improve the Michigan road, south of Indianapolis, have, according to order, had the same under consideration, and directed me to report the following bill:

No. 422. A bill to incorporate the Michigan road company, south of Indianapolis;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Senate be informed thereof.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the Senate, No. 82, entitled, a bill relative to the office of county treasurer, have considered the same, and instructed me to report the same back to the House, without amendment, and recommend its passage.

No. 82. A bill relative to the office of county treasurer.

Mr. Leslie moved to amend by adding the following section:

SEC. —. That the board doing county business in the county of Harrison, shall, hereafter, in granting licenses to vend spiritous liquors, be governed in all respects by the provisions of the Revised Statutes of 1843, any law to the contrary notwithstanding.

Which was adopted.

The amendment was considered as engrossed, and the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bell made the following report:

MR. SPEAKER:

The committee on roads, to which was referred the petitions and remonstrances of sundry citizens of the counties of Allen and Whitley, on the subject of a State road therein named, have had the same under consideration, and have directed me to report, that in their

opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of that subject.

The committee was accordingly discharged.

Mr. Bell also made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petitions and remonstrances of sundry citizens of the counties of Randolph, Jay and Delaware, declaring the Mississinewa river a public highway, and a bill of the House, have had the same under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of that subject.

Whereupon the committee was discharged.

Mr. Bell also made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petitions and remonstrances of sundry citizens of Hancock county, on the subject of a State road from Person's mill to Judge Garrett's, in Hancock county, have had the same under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of that subject.

Whereupon the committee was accordingly discharged.

Bill No. 269. A bill to repeal an act declaring the Mississinewa river a public highway ;

Was reported back by the committee on roads, and

Laid on the table.

Mr. Bell also made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petitions and remonstrances of sundry citizens of Boone, Montgomery, Clinton, and Tippecanoe counties, have had the same under consideration, and have instructed me to report that, in their opinion, it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of that subject.

The committee was accordingly discharged.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled with the original bills and joint resolution of the House, and find the enrollment correctly made:

No. 89. An act to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes;

No. 12. An act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana;

No. 319. An act to locate a State road in the county of Marshall;

No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky institution for the education of the blind.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the enrollment correctly made :

No. 158. An act to extend the time of holding the probate court of Montgomery county;

No. 209. An act regulating the jurisdiction of Justices of the Peace in Lake and Porter counties;

No. 317. An act to locate a State road therein named;

No. 276. An act to regulate judicial notices in the county of Daviess;

No. 318. An act to change a certain State road therein named in the county of Elkhart;

No. 64. An act to authorize the sale of school section in town four, range ten, in Jefferson county;

No. 85. An act to repeal an act entitled "an act to lay out and open a State road in the counties of Dearborn and Ripley," approved February 1, 1834;

No. 109. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 76. An act to change the name of Susannah Poe to Susannah Cundale;

No. 50. An act for the relief of John Sankey of Vigo county, Indiana;

No. 323. An act to incorporate the town of Bloomington in the county of Monroe;

On leave granted,

Mr. Robinson of Decatur, introduced

No. 423. A joint resolution on the subject of enrolling;

Which was read a first time; and,

On motion by Mr. Vandever,

Was rejected.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives of the following title :

No. 380. An act to raise a revenue for State purposes ; with three amendments ;

In which I am directed to ask, respectfully, the concurrence of this House.

The amendments of the Senate to No. 380, in said message, Were severally concurred in by the House.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed engrossed bill of the House of Representatives of the following title :

No. 117. An act for the relief of the State of Indiana, and for other purposes ; with two amendments ;

In which I am directed to ask, respectfully, the concurrence of this House.

The Senate have also passed engrossed bills thereof of the following titles :

No. 163. An act concerning certain conveyances therein named ;

No. 259. An act authorizing the superintendent of the New Albany and Vincennes road to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer ;

No. 206. An act to amend an act incorporating the town of Aurora ;

No. 262. An act for the relief of George H. Dunn ;

No. 167. An act in relation to the expenses of removal or change of venue in civil cases ;

No. 264. An act for the relief of Juddy Whisman ;

No. 229. An act to fix the time of holding courts in the tenth judicial circuit ;

No. 267. An act in relation to school district No. 1, in congressional township No. 15, in Marion county ;

No. 268. An act to amend an act entitled an act to incorporate the trustees of the Laporte University, approved January, 20, 1842 ;

No. 137. An act for the relief of Henry Pittenger ;

No. 175. An act in relation to the county seminary of Laporte county.

The Senate have also passed an engrossed joint resolution thereof of the following title:

No. 236. A joint resolution relating to the assumption of State debts.

In which bills and joint resolution I am directed to ask, respectfully, the concurrence of this House.

The Senate have also passed, without amendment, an engrossed bill of the House of Representatives of the following title:

No. 128. An act to amend an act entitled, an act to incorporate the Warren county canal company, approved January 15, 1844.

Bills of the Senate, in said message mentioned,

Nos. 163, 262, 259, 206, 264, 167, 267, 268, 137, and 175, were severally read three separate times, and passed.

Ordered, That the Clerk inform the Senate thereof.

The amendments to bill of the House No. 117, were concurred in. No. 229, of Senate,

Was read three several times, and,

On motion by Mr. Hoggatt,

Was amended, by the unanimous consent of the House, as follows:

Have the bill so amended that the courts in Lawrence county shall be held two weeks or more, not exceeding three weeks, if the business require it.

The bill then passed.

Ordered, That the Clerk inform the Senate thereof.

Bill of the Senate, in said message, No. 236,

Was read the first time and ordered to a second reading.

The following message was also received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives of the following title:

No. 222. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842; with three amendments;

In which I am directed to ask, respectfully, the concurrence of this House.

The amendments of the Senate to said bill No. 222, were concurred in.

On motion by Mr. Robinson of Carroll,

The House rescinded the 17th joint rule of the General Assembly as per notice previously given by Mr. Stapp.

Ordered, That the Clerk inform the Senate thereof, and respectfully ask their concurrence therein.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate insist upon their first amendment to an engrossed bill of the House of Representatives entitled,

No. 379. An act making general appropriations for the year 1845.

On motion,

The House insisted on its disagreement to the first amendment of the Senate to said bill No. 379.

Mr. Simonson moved that a committee of free conference be appointed on the part of the House;

Which prevailed.

The Speaker appointed Messrs. Simonson and Handy to act as such committee.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have appointed Messrs. Chapman of Laporte and Henry a committee of free conference on the part of the Senate, in relation to the disagreeing votes of the two Houses, relative to an amendment of the Senate to an engrossed bill of the House of Representatives entitled,

No. 379. An act making general appropriations for the year 1845.

Mr. Garrett moved to reconsider the vote taken on the indefinite postponement of bill of the Senate No. 289.

Mr. Garrett afterwards withdrew his motion ;

Which was renewed by Mr. Gregory.

And the ayes and noes being demanded by Messrs. Gregory and Robinson of Carroll,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Brecount, Claypool, Gregory, Helwig, Hostetter, Howard, Jones of Fountain, McAllister, Mooney, Pettit, Robinson of Carroll, Rosseau, Shively, Snook, and Turman—17.

Those who voted in the negative are,

Messrs. Blakemore, Boardman, Bradley, Brown, Byers, Colms, Conduit, Davis, Ford, Foresman, Fry, Garrett, Grubbs, Hauser,

Hazelrigg, Herod, Hinchman, Hodges, Hoggatt, Huckaby, Huey, Jamison, Jones of Vigo, Kelley, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Scott, McClure of Knox, McGauhey, Manville, Matlock, Miller, Montgomery, Nimmon, Nutter, Odell, Palmer, Peek, Rich, Robinson of Decatur, Shanks, Shelby, Smith, Stapp, Sullivan, Tague, Tingley, Tomlinson, Vandever, Walker, Wills, Wilson, Wright of Wayne, and Mr. Speaker—57.

So the vote was not reconsidered.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and joint resolution of the House and find them correctly made:

No. 141. An act to provide for a uniform mode of doing township business in Clay county;

No. 113. An act to authorize an additional place of holding elections in Redding township, Jackson county;

No. 384. An act to provide for the binding of the laws and journals;

No. 122. An act to locate a State road therein named, and for other purposes;

No. 195. An act to locate a State road in the counties of Allen and Noble;

No. 266. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

No. 326. An act changing the mode of doing county business in the county of Putnam;

No. 316. An act for the relief of the securities of Daniel Carle;

No. 322. An act declaring Big Blue river a public highway;

No. 348. An act to locate a State road from Peru to Canton, and also to locate a State road from Kokomo, in Richardville county, to Frankfort, in Clinton county;

No. 94. An act to authorize Abraham J. Hostetler to sell and convey real estate;

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

No. 399. An act to vacate the town of Berlin in the county of Fayette;

No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Charles E. DeWolf and Joseph Bartholomew.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared

the following enrolled with the engrossed bills and joint resolution of the House, and find the enrollment correctly made :

No. 390. A joint resolution on the subject of the Wabash and Erie canal ;

No. 396. An act to improve the breed of horses in Jay county ;

No. 394. An act to change the name of Faithsville to Parkersburg, in Montgomery county ;

No. 393. An act reviving and amending a certain act, entitled, an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31, 1842 ;

No. 53. An act for the relief of Joseph Proctor and others ;

No. 54. An act to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river ;

No. 90. An act providing for the location of a State road in the counties of Marshall and Kosciusko ;

No. 107. An act to more properly define the boundaries of Dearborn county ;

No. 324. An act vacating a part of a State road therein named ;

No. 389. An act to establish a State road in the counties of Tippecanoe and Warren ;

No. 388. An act for the relief of tax collector of the county of Greene ;

No. 386. An act to authorize the county commissioners of White county to grant license to clock pedlars ;

No. 254. An act to authorize William Conner and John D. Stephenson to erect a mill dam across White river, in Hamilton county ;

No. 315. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15, 1844 ;

No. 335. An act legalizing the proceedings of the board doing county business in Martin county, and also, of James Dilley, as treasurer and collector ;

No. 61. An act exempting personal property from execution ;

No. 136. An act extending the provisions of an act entitled, "an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to the county of Clay ;

No. 137. An act to restrict the grand jury in Franklin county to a limited time in their sessions ;

No. 139. An act changing the election of school trustees in the counties of De Kalb and Steuben ;

No. 147. An act for the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe ;

No. 144. An act for the relief of Sintha Parks, widow of Alexander Parks, deceased ;

Mr. Simonson made the following report :

MR. SPEAKER :

The committee of free conference appointed by this House on bill No. 379, have directed me to report, that they cannot compromise the matters in difference between the two Houses on said bill, and they ask to be discharged.

The committee was accordingly discharged.

On motion by Mr. Simonson,

A second committee of free conference was appointed, consisting of Messrs. Handy and Hazehrigg.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed engrossed bills thereof, of the following titles :

No. 248. An act for the distribution and sale of the surplus copies of the Revised Statutes ;

No. 249. An act to legalize the assignment of certificates to certain school lands in the State ;

No. 250. An act to authorize the election of a school commissioner in township 9, range 1 west, in Franklin county ;

No. 251. An act authorizing the location of a State road in Daviess county ;

No. 255. An act fixing the times of holding probate courts in the county of Greene ;

No. 256. An act regulating the issuing of writs of supersedeas ;

No. 257. An act to establish a State road from Thorntown, in Boone county, to Rossville, in Clinton county ;

No. 247. An act to incorporate the church of the United Brethren, or Moravians, and to legalize the election and acts of the trustees thereof ;

In which I am directed to ask respectfully the concurrence of the House of Representatives.

Bills of the Senate in said message mentioned,

No. 248, 249, 250, 251, 255, and 256,

Were severally read three times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 257, in said message mentioned,

Was read a first and second times, and laid on the table.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER:

The Senate have discharged the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses, relative to the amendments of the Senate to an engrossed bill of the House of Representatives, entitled, "No. 379, an act making general appropriations for the year 1845," and have appointed Mr. Stanford and Mr. Ritchey, a second committee of free conference to take into consideration the same subject.

The following message was also received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives, of the following title :

No. 259. An act for the relief of Benjamin H. Scott, of Miami county ;

With one amendment.

In which I am directed to ask respectfully the concurrence of this House.

The House refused to concur in the amendment of the Senate to said bill, No. 259.

The following message was received from the Senate, by Mr. Otto, their secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill thereof, as follows :

No. 258. An act for the relief of Parmenter M. Parks ;

In which I am directed to ask respectfully the concurrence of this House.

No. 258, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

I am directed by the President of the Senate, to inform the House of Representatives, that the Senate disagree to the amendments of the House to bill of the Senate, No. 172, "a bill to amend the sev-

eral acts for the loaning and collecting of the sinking fund, and for other purposes."

On motion,

The House insisted on its amendment to said bill No. 172.

Messrs. Osborn and Hoggatt were appointed a committee of free conference, relative to the disagreement of the two Houses on bill No. 172.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed engrossed bills of the House of Representatives, of the following titles :

No. 151. An act declaring Deer Creek, in Perry county, a navigable stream ;

With one amendment ;

No. 134. An act to appoint examiners of common school teachers in the counties of Switzerland, Hancock, Allen and Orange ;

With two amendments ;

In which amendments I am directed to ask respectfully the concurrence of this House.

The several amendments of the Senate to bills Nos. 151 and 134, in said message,

Were concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hazelrigg made the following report, which was concurred in by the House, and the amendment proposed to said bill No. 379, was adopted :

MR. SPEAKER :

The joint committee of free conference appointed by the Senate and House of Representatives to confer on their disagreement in relation to the amendment of the Senate to the bill of the House No. 379, have directed me to report that they have agreed to recommend an appropriation of ten thousand dollars to the State Prison, and ask that it be inserted in the proper place as an amendment to the bill, and that they be discharged from the further consideration of the same.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives, entitled

No. 420. An act making specific appropriations for the year 1845; with seventeen amendments;

In which I am directed to ask, respectfully, the concurrence of this House.

The several amendments of the Senate to bill No. 420, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, and 17,

Were concurred in by the House.

Mr. Robinson of Decatur, moved to concur in the 10th amendment with the following amendment:

"That William Sheets, Secretary of State, be allowed one hundred dollars for extra labor and services in enrolling the acts and joint resolutions of the General Assembly at the present session;

Which amendment was not adopted.

The House then concurred in the 10th amendment of the Senate.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have concurred in the report of the committee of free conference, on the part of the Senate, appointed to take into consideration the disagreeing votes of the two Houses relative to the amendment of the Senate to an engrossed bill of the House of Representatives, entitled,

No. 379. An act making general appropriations for the year 1845.

The Senate recede from their disagreement to the amendments of the House of Representatives to an engrossed bill of the Senate, entitled,

No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate concur in the engrossed amendment of the House of Representatives to an engrossed bill of the Senate, entitled,

No. 152. An act to incorporate the Lafayette and Ohio turnpike company.

The Senate have passed, without amendment, an engrossed bill of the House of Representatives of the following title:

No. 150. An act to improve the navigation of Lost river.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill thereof entitled as follows :

No. 270. An act to vacate canal street in the town of Lockport, Carroll county ;

In which I am directed to ask, respectfully, the concurrence of this House.

No. 270, in said message mentioned,

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives, entitled

No. 301. An act for the relief of the creditors of John Graves, late of Clay county, deceased ; with two amendments ;

In which I am directed to ask, respectfully, the concurrence of this House.

On motion,

The amendments of the Senate to bill of the House

No. 301, in said message mentioned,

Were concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives :

No. 236. An act to provide for the better collection of the water rents due the State.

They have also passed an engrossed bill of the House of Representatives, entitled

No. 221. An act in relation to proceedings upon writs of ad quod damnum ; with one amendment ;

In which I am directed to ask, respectfully, the concurrence of this House.

On motion,
The amendments of the Senate to bill of the House
No. 221, in said message mentioned,
Were concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto,
their Secretary:

MR. SPEAKER:

The Senate have passed, without amendment, an engrossed bill of
the House of Representatives as follows:

No. 160. An act authorizing the county Treasurer of De Kalb
county to apply certain State revenue in his hands.

The following message was also received from the Senate by Mr.
Otto, their Secretary:

MR. SPEAKER:

The Senate have passed an engrossed bill of the House of Repre-
sentatives entitled,

No. 397. An act to do justice to the people of Martin county;
with one amendment.

In which I am directed to ask, respectfully, the concurrence of this
House.

On motion,
The amendment of the Senate to bill of the House
No. 397, in said message mentioned,
Was concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hoggatt made the following report:

MR. SPEAKER:

The select committee, to whom was referred the bill to repeal an
act to reduce the prices paid for ferriage in Lawrence county, and
revive the general law, have had the same under consideration, and
directed me to recommend its indefinite postponement, and beg leave
to be discharged.

Which was concurred in, and
No. 141, in the said report mentioned,
Was indefinitely postponed.

Mr. Byers made the following report:

MR. SPEAKER :

The select committee, to whom was referred the petition and remonstrance of sundry citizens of the counties of Greene and Monroe, in relation to changing and locating a certain road therein named, have had the same under consideration, and have directed me to report legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof.

The committee was accordingly discharged.

Mr. Barclay made the following report:

MR. SPEAKER :

The committee on education, to whom was referred the communication of the Governor, enclosing the memorial of the New York Historical Society, have directed me to report a bill and recommend its passage.

No. 424. A bill authorizing copies of State documents to be furnished to the New York Historical Society;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hazelrigg made the following report:

MR. SPEAKER :

The committee on education, to whom was referred sundry petitions relative to the school law, have directed me to report, that as it is too late in the session to mature any legislation in conformity with the prayers of the petitioners, that they be discharged from the further consideration of the subject.

The committee was accordingly discharged.

Mr. McClure of Scott, made the following report:

MR. SPEAKER :

I am directed by the committee on education, to whom was referred the petition of Peter Everhart, also, a petition from sundry citizens of the county of Scott, praying relief for purchasers of school lands in said county, to report that the subject of the prayer of said petitioners having been incorporated in a bill for the relief of purchasers of school lands in Randolph county, would respectfully ask to be discharged from the further consideration of said petitions.

Which was concurred in.

On motion,
The House adjourned until half past 1 o'clock, P. M.

Half past 1 o'clock, P. M.

The House met.

On motion by Mr. Simonson,

The House reconsidered the vote taken on the engrossment of the bill

No. 170. A bill relative to a contractor on the Madison and Indianapolis railroad;

Which was considered as engrossed, the rules being suspended, the bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

ORDERS OF THE DAY.

Bill of the Senate

No. 121. A bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Which was read a third time, when

Mr. Hazelrigg called the previous question,

Which was seconded by the House.

The question then being,

"Shall the main question be now put?"

And the ayes and noes having been demanded by Messrs. Robinson of Carroll and Hoggatt,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hannah, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Ninnmon, Nutter, Odell, Osborn, Parker, Pomeroy, Rich, Robinson of Decatur, Shelby, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wolf, and Wright of Wayne—47.

Those who voted in the negative are,

Messrs. Anthony, Byers, Cowen, Handy, Hardin, Hauser, Helwig, Heustis, Hoggatt, Hostetter, Jones of Fountain, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Robinson of Carroll, Rose, Smith, Tague, Turman, and Walker—24.

So the main question was ordered to be put.

The question then being,

"Shall the bill pass?"

The ayes and noes were demanded by Messrs. Hoggatt and Robinson of Carroll.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Colms, Conduit, Ford, Fry, Garrett, Gregory, Grubbs, Hannah, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Shelby, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wolf, and Wright of Wayne—47.

Those who voted in the negative are,

Messrs. Anthony, Byers, Cowen, Hauser, Heustis, Hoggatt, Hostetter, McAllister, Montgomery, Mooney, Palmer, Rich, Rose, Simonson, Tague, Walker, and Mr. Speaker—17.

No quorum having voted, a new count was ordered, which resulted as follows :

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bruce, Claypool, Colms, Conduit, Ford, Foresman, Fry, Garrett, Gregory, Grubbs, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Pomeroy, Robinson of Decatur, Shelby, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wolf, and Wright of Wayne—45.

Those who voted in the negative are,

Messrs. Anthony, Byers, Handy, Hannah, Hauser, Heustis, Hoggatt, Hostetter, Jones of Fountain, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Pettit, Rich, Rose, Simonson, Snook, Tague, Turman, Walker, and Mr. Speaker—24.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Hodges offered the following resolution :

Resolved, That his Excellency, the Governor, be respectfully requested to return to this House, a bill that passed a few days ago, setting aside a judgment in the Owen Circuit Court, in which the

State Bank of Indiana branch at Terre Haute, was plaintiff, and Bazel Champer, and others, defendants ;

Which was not adopted.

Mr. Stophlet, on leave granted, introduced

No. 425. A joint resolution for the benefit of the contractors building the aqueduct across the St. Mary's river, in Allen county ;

Was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 231. A bill for the relief of Hendricks & Son ;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled, with the engrossed bill of the House, and find the enrollment correctly made :

No. 355. An act for the incorporation of the town of Lafayette, in Tippecanoe county.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled, with the engrossed bills of the House, and find the same correctly enrolled :

No. 222. An act to amend an act, entitled, "an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842 ;

No. 117. An act for the relief of Wm. G. Pomeroy ;

No. 261. An act to vacate a part of a certain State road in the county of Wayne ;

No. 124. A joint resolution on the subject of the public lands.

Mr. Simonson moved to lay the joint resolution on the table ;

And the ayes and noes being demanded by Messrs. Robinson of Carroll, and Simonson,

Those who voted in the affirmative are,

Messrs. Byers, Handy, Hardin, Hauser, Huey, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek,

Pettit, Robinson of Carroll, Rose, Simonson, Snook, and Walker—19.

Those who voted in the negative are,

Messrs. Barclay, Blakemore, Boardman, Bradley, Brecount, Bruce, Colms, Conduit, Gregory, Hannah, Hazelrigg, Helwig, Herod, Hinchman, Hodges, Hostetter, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Rich, Robinson of Decatur, Shelby, Stapp, Sullivan Tingley, Tomlinson, Turman, Wills, Wolf, Wright of Wayne, and Mr. Speaker—43.

No quorum having voted, a new count was ordered, which resulted as follows:

Those who voted in the affirmative are,

Messrs. Brecount, Byers, Handy, Hannah, Hardin, Hoggatt, Hostetter, Huey, Jones of Fountain, McAllister, McClure of Scott, Manville, Montgomery, Mooney, Palmer, Peek, Pettit, Robinson of Carroll, Rose, Simonson, Snook, Tague, Turman, and Walker—24.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Ford, Foresman, Fry, Garrett, Hauser, Hazelrigg, Helwig, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGaughey, Matlock, Miller, Nimmon, Odell, Osborn, Parker, Robinson of Decatur, Shelby, Smith, Stapp, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—45.

So the joint resolution did not lie on the table.

Mr. Herod moved the previous question,

Which was seconded by the House.

The question then being,

“Shall the main question be now put?”

It was decided in the affirmative.

The main question then being put:

Shall the joint resolution pass?

And the ayes and noes being demanded by Messrs. Hoggatt and Simonson,

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Boardman, Bradley, Bruce, Claypool, Conduit, Ford, Foresman, Fry, Garrett, Hauser, Hazelrigg, Herod, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr,

Legg, Leslie, Lewis of Wayne, Little, McClure of Knox, McGahey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Tingley, Tomlinson, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—47.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Byers, Cowen, Handy, Heustis, Hoggatt, Hostetter, Huey, Jones of Fountain, McAllister, McClure of Scott, Montgomery, Palmer, Peek, Robinson of Carroll, Rose, Tague, Turman, and Walker—20.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from his excellency, the Governor, by Mr. Kinder, his Private Secretary :

MR. SPEAKER :

I am instructed by his excellency, the Governor, to inform the House of Representatives that he has this day signed and approved the following acts :

No. 144. An act for the relief of Sintha Parks, widow of Alexander Parks, deceased ;

No. 195. An act to locate a State road in the counties of Allen and Noble ;

No. 266. An act to amend the first article of the fiftieth chapter of the Revised Statutes of 1843 ;

No. 113. An act to authorize an additional place of holding elections in Reding township, Jackson county ;

No. 147. An act for the appointment of commissioners of the reserved township of land in the county of Monroe ;

No. 94. An act to authorize Abraham J. Hostetler to sell and convey real estate ;

No. 348. An act to locate a State road from Peru to Canton, and also to locate a State road from Kokomo, in Richardville county, to Frankfort, in Clinton county ;

No. 322. An act declaring big Blue river a public highway ;

No. 316. An act for the relief of the securities of Daniel Clark ;

No. 271. A joint resolution of the General Assembly of the State of Indiana ;

No. 12. An act for the incorporation of the Philadelphia industrial association of St. Joseph county, Indiana ;

BILLS OF THE HOUSE.

No. 65. An act to incorporate the Terre Haute drawbridge company ;

No. 302. An act for the relief of Joana Mahony;

No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Charles E. Dewolf, and Joseph Bartholomew;

No. 399. An act to vacate the town of Berlin in the county of Fayette;

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

No. 50. An act for the relief of John Sankey of Vigo county, Indiana;

No. 128. An act to abolish the office of county Auditor in Orange county;

No. 119. An act to amend an act entitled an act to amend an act entitled an act to incorporate the Vevay and Napoleon, and other turnpike companies, approved February 8th, 1836—approved January 15th, 1844;

No. 114. An act to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional townships;

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

No. 45. An act to authorize supervisors to purchase suitable tools to work the roads with;

All of which originated in the House of Representatives.

On leave granted,

Mr. Matlock introduced

No. 426. A bill to authorize the sale of certain lots in the town of Bellville, in Hendricks county, for the use of a seminary therein;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 210. A bill for the relief of John Drummond;

Was read the third time, and,

On motion by Mr. Conduit,

Was amended, by the unanimous consent of the House, by adding the following:

“That Nancy Fell, of Morgan county, be and she is hereby divorced from her husband, Joseph T. Fell.”

The bill then passed.

Ordered, That the Clerk inform the Senate thereof.

No. 217. A bill amendatory of the law regulating the trial of appeals in the circuit courts from justices of the peace;

Was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House took from the table

No. 238. A joint resolution in relation to the titles of purchasers from the State of seminary lands in Gibson county; which,

On motion by Mr. Garrett,
Was laid on the table.

The following message was received from the Senate by Mr. Otto,
their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed bill of the House of Representatives, entitled

No. 246. An act to incorporate the Michigan road company;
with one amendment ;

In which I am directed to ask, respectfully, the concurrence of this House.

The amendment of the Senate to said bill No. 246,
Was concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto,
their Secretary :

MR. SPEAKER :

The Senate have passed an engrossed joint resolution thereof entitled as follows :

No. 235. A joint resolution in relation to exchanging documents with other States ;

In which I am directed to ask, respectfully, the concurrence of this House.

No. 235, in said message,

Was read three several times, the rules being suspended therefor,
and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto,
their Secretary :

MR. SPEAKER :

The Senate disagree to the amendment of the House of Representatives to an engrossed bill of the Senate, entitled

No. 121. An act further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars.

The question then being,

Will the House insist on its amendment ?

On motion by Mr. Smith,

A call of the House was ordered.

Messrs. Boardman, Colms, Conner, Handy, Hill, Howard, Huey, Kelley, Lewis of Dearborn, Little, Pettit, Pomeroy, Rosseau, Shanks, Shively, Snook, Turman, and Vandever, were found to be absent.

The further call was,

On motion,

Suspended.

The ayes and noes were then demanded on the question before the House, by Messrs. Vandever and Robinson of Carroll.

Those who voted in the affirmative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Ford, Fry, Garrett, Grubbs, Hazelrigg, Herod, Hinchman, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, McClure of Knox, McGauhey, Matlock, Miller, Nimmon, Nutter, Odell, Osborn, Parker, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Sullivan, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—42.

Those who voted in the negative are,

Messrs. Anthony, Brecount, Byers, Cowen, Hannah, Hauser, Helwig, Heustis, Hoggatt, Hostetter, Jones of Fountain, McAllister, McClure of Scott, Montgomery, Mooney, Palmer, Peek, Pettit, Rich, Robinson of Carroll, Rose, Simonson, Snook, Tague, and Walker—25.

So the House insists on its amendment.

Messrs. Claypool and Osborn were appointed a committee of free conference on the part of the House.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have appointed Messrs. Herriman and Chapman of Laporte, a committee of free conference on the part of the Senate, to adjust the matter of difference between the two Houses in relation to bill of the Senate, No. 121, "a bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars."

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, with amendments, engrossed bills of the House of Representatives, entitled, as follows:

No. 167. An act for the relief of Robert Harbison:

With one amendment;

No. 346. An act to incorporate the Lagrange Phalanx;

With one amendment;

No. 267. An act to change the time of holding the probate courts in the counties of Martin and Franklin;

With two amendments;

No. 385. An act to incorporate the College Corner and Centreville turnpike company;

With one amendment;

No. 409. An act to incorporate the Newcastle and Andersonstown turnpike company;

With one amendment;

No. 422. An act to incorporate the Michigan road company, south of Indianapolis;

With one amendment;

In which I am directed to ask, respectfully, the concurrence of this House.

The several amendments of the Senate in said message mentioned, to bills of the House,

Nos. 167, 346, 267, 409, and 422,

Were concurred in by the House.

On the question,

Will the House concur in the amendments of the Senate to bill No. 385?

Messrs. Hoggatt and Robinson of Carroll called the ayes and noes.

Those who voted in the affirmative are,

Messrs. Brecount, Byers, Cowen, Ford, Foresman, Hannah, Hauser, Hoggatt, Hostetter, Jones of Fountain, McAllister, McClure of Scott, Manville, Palmer, Pettit, Robinson of Carroll, Rose, Simonson, Snook, Tague, and Walker—19.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Bradley, Bruce, Claypool, Conduit, Fry, Garrett, Grubbs, Hazelrigg, Herod, Heustis, Hinchman, Hodges, Huckaby, Jamison, Jones of Vigo, Kerr, Legg, Leslie, Lewis of Wayne, McClure of Knox, McGauhey, Matlock, Miller, Montgomery, Mooney, Nimmon, Nutter, Odell, Osborn, Parker, Peek, Pomeroy, Rich, Robinson of Decatur, Shelby, Smith, Stapp, Stophlet, Tingley, Tomlinson, Wills, Wilson, Wolf, and Wright of Wayne—47.

So the amendment was not concurred in by the House.

Ordered, That the Senate be informed thereof.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined the following enrolled with the engrossed bill of the House, and find it correctly enrolled, to-wit :

No. 420. An act making specific appropriations for the year 1845 ;

Mr. Hodges presented the following protest :

The undersigned protests against the passage of that part of the revenue bill that imposes a tax of one cent on each one hundred dollars for the benefit of a lunatic asylum, thereby raising a fund of some fifteen or twenty thousand dollars, where one fourth of that sum is amply sufficient.

JOHN HODGES.

ORDERS OF THE DAY.

No. 402. A bill for the relief of certain persons therein named ;
Was read a third time ; when

Mr. Sullivan moved to lay the bill on the table ;

Which did not prevail.

The question then being,

Shall the bill pass ?

The ayes and noes were called by two members.

Those who voted in the affirmative are,

Messrs. Anthony, Bradley, Brecount, Bruce, Garrett, Hardin, Hazelrigg, Heustis, Hinchman, Hodges, Hoggatt, Huckaby, Jamison, McGauhey, Manville, Montgomery, Palmer, Peek, Robinson of Carroll, Simionson, Stapp, Tingley, Turman, and Walker—24.

Those who voted in the negative are,

Messrs. Barclay, Bell, Blakemore, Byers, Claypool, Ford, Foreman, Hauser, Helwig, Hostetter, Legg, Lewis of Wayne, McAllister, McClure of Knox, Matlock, Nimmon, Nutter, Odell, Parker, Pettit, Rich, Robinson of Decatur, Shelby, Snook, Tague, Wilson, Wolf, and Wright of Wayne—27.

No quorum having voted, a new count was ordered, which resulted as follows :

Those who voted in the affirmative are,

Messrs. Anthony, Bradley, Bruce, Fry, Garrett, Hardin, Hazelrigg, Heustis, Hinchman, Hodges, Hoggatt, Huckaby, Jamison, Jones of Vigo, McClure of Scott, Manville, Montgomery, Palmer, Peek, Robinson of Carroll, Stapp, Tingley, and Walker—23.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Byers, Ford, Foresman, Hauser, Herod, Legg, Lewis of Wayne, McAllister, McClure of Knox, McGauhey, Matlock, Mooney, Nimmon, Nutter, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Shelby, Snook, Stophlet, Sullivan, Tague, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—31.

There being no quorum yet, another count was ordered, which resulted as follows :

Those who voted in the affirmative are,

Messrs. Anthony, Barclay, Boardman, Bruce, Garrett, Hardin, Hazelrigg, Heustis, Hinchman, Hodges, Hoggatt, Huckaby, Huey, Jamison, Montgomery, Palmer, Peek, Robinson of Carroll, Smith, Tingley, Turman, and Walker—23.

Those who voted in the negative are,

Messrs. Bell, Blakemore, Bradley, Byers, Colms, Cowen, Ford, Foresman, Fry, Hauser, Herod, Hostetter, Jones of Fountain, Jones of Vigo, Legg, Leslie, Lewis of Wayne, McAllister, McClure of Knox, McGauhey, Matlock, Miller, Mooney, Nimmon, Nutter, Odell, Parker, Pettit, Pomeroy, Rich, Robinson of Decatur, Rose, Shelby, Snook, Stapp, Sullivan, Tague, Wills, Wilson, Wolf, Wright of Wayne, and Mr. Speaker—42.

There still being no quorum voting, the bill was informally passed over.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that they have passed bill of the House No. 366, with the following amendment :

Insert the counties of St. Joseph and Tippecanoe;

And respectfully to ask the concurrence of this House.

The amendment, in said message mentioned, to No. 366,

Was concurred in by the House.

The amendments of the Senate to bill of the House

No. 288. A bill to authorize the superintendent of the Wabash and Erie canal to settle with William Sill;

Were concurred in by the House.

The following message was received from the Senate, by Mr. Orth, a Senator:

MR. SPEAKER:

The Senate have concurred in the amendments of the House of Representatives to engrossed joint resolutions of the Senate of the following titles:

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

No. 233. A joint resolution praying a grant of land to construct the Northern Cross railroad in the States of Illinois and Indiana;

Bill of the House

No. 6. A bill to amend an act entitled an act to reduce the salaries of Governor of State, and other purposes;

Was read a third time; and,

On motion,

Was laid on the table.

No. 29. A joint resolution respecting the annexation of Texas;

Was read a second time.

Mr. Simonson moved to amend the amendment as proposed to the joint resolution by Mr. Stapp, as follows:

That the General Assembly do declare that so "far from having any personal objection to the annexation of Texas, we would be glad to see it." "The annexation of Texas cannot affect the question of slavery, one way or the other; whether Texas be annexed or not, the institution of slavery is bound to become extinct by the inevitable law of population. It would be unwise to refuse a permanent acquisition, that is to last as long as the globe remains, on account of a temporary institution:"

Therefore, our Senators in Congress be instructed, and our Representatives requested, to vote in accordance with the above declaration.

Pending which,

On motion by Mr. Garrett,

The whole subject was laid on the table.

Mr. Colms offered the following resolution:

Resolved, That when this House adjourn it do adjourn to meet at half past 6 o'clock, P. M.;

Which was adopted.

On motion,

The House then adjourned.

Half past 6 o'clock, P. M.

The House met.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, engrossed bills of the House of Representatives of the following titles :

No. 171. An act in relation to justices and other officers in La-porte county ;

No. 185. An act to allow a bounty on wolf scalps ;

No. 165. An act to amend the law relative to licenses to vend clocks ;

No. 172. An act authorizing the election of a county auditor in Clay county ;

No. 173. An act to amend Revised Statutes, section 63, page 170 ;

No. 175. An act fixing a certain annual compensation to the auditor of Hamilton county ;

No. 179. An act to legalize certain proceedings in the probate court of Carroll county ;

No. 204. An act incorporating the Kosciusko and Allen turnpike company ;

No. 279. An act to regulate the mode of doing township business in the county of Elkhart ;

No. 193. An act to authorize a settlement with Cornelius Ferree, and for other purposes ;

No. 202. An act legalizing the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess ;

No. 313. An act to incorporate the Logansport brass band ;

No. 190. An act to locate a State road in the counties of Whitley and Kosciusko ;

No. 192. An act to locate a State road therein mentioned ;

No. 194. An act providing for the location of a State road in Randolph and Jay counties ;

No. 308. An act for the benefit of John Yount and Philip Weaver ;

No. 403. An act providing for the fees of the auditor of Hancock county ;

No. 410. An act for the extension of a State road, in Laporte county, to Winnamac, in Pulaski county ;

No. 411. An act for the relief of the county seminary of Tippecanoe county ;

No. 412. An act relative to the school funds in township No. 10 north, of range No. 1 west, in Monroe county ;

No. 414. An act to amend an act, entitled, "an act to detach certain territory from the county of Miami, and attaching the same to the county of Fulton," approved January 15, 1844;

No. 417. An act for the relief of John P. Case and Abraham Hyter, administrators of the estate of John Case, late of Dearborn county, deceased;

No. 370. An act to amend an act, entitled, "an act for the relief of David D. Weddle, of Brown county," approved January 13, 1844;

No. 395. An act to amend an act, changing the mode of doing county business in the county of Clay, approved January 17, 1842;

No. 369. An act to repeal an act, entitled, an act to change the mode of doing county business in the county of Scott;

No. 206. An act correcting the boundary line of Richardville county;

No. 363. An act to amend an act, entitled, an act to establish an asylum for the education of deaf and dumb persons in the State of Indiana;

No. 401. An act in relation to proceedings in the probate court;

No. 378. An act in relation to the fees of recorder and auditor in Wabash county;

No. 424. An act authorizing copies of State documents to be furnished to the New York Historical Society;

No. 292. An act establishing a State road in the counties of Putnam and Clay;

No. 286. An act to locate a State road in the counties of Randolph and Delaware;

No. 211. An act to amend an act, entitled, "an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;

No. 131. An act repealing section 76, article 4, chapter 15, of the school laws of the Revised Code in the counties of Dekalb and Steuben;

No. 347. An act to revise an act, entitled, an act to incorporate the city of Logansport, approved February 17, 1838;

No. 320. An act for the relief of Alexander Beard;

No. 213. An act to legalize the official acts of Mark Manlove, road commissioner;

No. 218. An act declaring Lick creek, in Owen county, a public highway;

No. 225. An act to amend the probate law;

No. 214. An act relative to official bonds;

No. 239. An act to regulate the attendance of grand jurors in the fifth judicial circuit;

No. 234. An act to locate a State road therein named;

No. 241. An act to prevent the election of public defaulters;

No. 243. An act to locate a certain State road therein named;

No. 244. An act to carry into effect the provisions of a certain act therein named;

No. 329. An act to change part of a State road in Tippecanoe county ;

No. 336. An act to change the name of the town of New Market, in Miami county, to Chili ;

No. 338. An act to repeal part of an act, entitled, "an act vesting the duties of school commissioner in the county treasurer in certain cases," approved January 15, 1844 ;

No. 349. An act to revive an act therein named ;

No. 360. An act to amend an act entitled an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844 ;

No. 362. An act for the relief of purchasers of school lands in the counties of Randolph and Delaware, belonging to congressional township, No. 8, of Monroe county ;

No. 352. An act to amend the 5th article of the 12th chapter of the Revised Statutes of 1843, so far as relates to the county of Morgan ;

No. 356. An act to compel speculators to pay a road tax equal to that paid by actual settlers, in the county of Randolph ;

No. 357. An act defining the duty of petitioners for the formation of new counties ;

No. 321. An act for the relief of Alexander McClelland ;

No. 367. An act to incorporate the Milltown bridge company ;

No. 358. An act for the relief of Ebenezer A. Goddard of the county of Adams ;

No. 365. An act limiting the fees of Auditor in the county of Marshall ;

No. 368. An act allowing additional compensation to the auditor of Monroe county ;

No. 372. An act for the relief of the purchasers of lands in the seminary township in Monroe county ;

No. 391. An act to correct an error in an act, entitled, "an act to authorize the board doing county business in the county of Clay, to transcribe a certain record therein named, and for other purposes, approved February 9, 1843 ;

No. 189. An act to extend the time to the collectors of Bartholomew and Delaware counties, to settle the State and county revenue of said counties for the year 1844 ;

No. 337. An act to locate a State road in Sullivan county ;

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, engrossed joint resolutions of the House of Representatives, entitled, as follows :

No. 408. A joint resolution on the subject of Oregon Territory ;

No. 342. A joint resolution for the relief of the heirs of Henry Martin;

No. 387. A joint resolution to loan a theodolite to Asbury University.

Mr. Claypool made the following report:

MR. SPEAKER :

The committee of free conference to whom was referred the bill to further extend to the State Bank of Indiana the privilege of issuing notes of less denomination than five dollars, have had that matter under consideration, and directed me to report that they cannot come to any agreement relative to the difference of matter between the two Houses, and ask to be discharged from the further consideration thereof.

The committee was accordingly discharged.

On motion,

The following gentlemen were appointed a second committee of free conference on the same subject, to-wit: Messrs. Tingley and Bell.

On leave granted,

Mr. Osborn made the following report:

MR. SPEAKER :

The committee on education, to which was referred Senate bill No. 353, a bill in relation to expenses of the school fund in Laporte county, have considered the same, and directed me to report the same back to the House without amendment, and respectfully recommend its passage, and ask to be discharged from the further consideration thereof.

No. 353. A bill in relation to expenses of the school fund in Laporte county ;

Was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have appointed Mr. Ritchey and Mr. Rippey a committee of free conference on their part to act with a similar committee on the part of the House of Representatives upon the disagreement of the two Houses relative to an engrossed amendment of the House of Representatives to an engrossed bill of the Senate entitled, No. 121. An act to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars.

Mr. Hazelrigg asked and obtained leave to withdraw a petition from the files of the House.

Mr. Byers obtained leave to withdraw certain papers relative to a deaf and dumb asylum.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have passed, with amendments, engrossed bills of the House of Representatives, entitled as follows:

No. 242. An act fixing the fees of jurors in the several counties therein named; with one amendment;

No. 232. An act in relation to the navigation of the St. Mary's river; with one amendment;

No. 263. An act to incorporate the Indianapolis and Lafayette turnpike company; with one amendment;

No. 364. An act to enable the county board of Putnam county to make a compromise with the collector of taxes for 1840; with one amendment;

In which I have been directed to ask, respectfully, the concurrence of this House.

The several amendments, in said message mentioned, to bills Nos 242, 232, and 263,

Were concurred in by the House.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have concurred in the engrossed amendments of the House of Representatives to engrossed bills of the Senate, entitled,

No. 229. An act to fix the time of holding courts in the tenth judicial circuit;

No. 126. An act to incorporate the Crawfordsville and Wabash railroad company.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the engrossed bill of the House No. 320, with the enrolled bill entitled "A bill for the relief of Alexander Beard," and find the same correctly enrolled.

Mr. Barclay made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the enrollment correctly made:

No. 150. An act to improve the navigation of Lost river;

No. 160. An act to authorize the county Treasurer of De Kalb county to apply certain State revenue in his hands;

No. 59. An act authorizing the State Treasurer to receive certain treasury notes, and for other purposes;

No. 187. An act to authorize pirogues and canoes to navigate the Wabash and Erie canal;

No. 172. An act authorizing the election of a county Auditor in Clay county;

No. 134. An act authorizing the board of county commissioners of the counties therein named, to appoint examiners of common school teachers;

No. 186. An act requiring an enumeration of the white male inhabitants of this State;

No. 301. An act for the relief of the creditors of John Graves, late of Clay county, deceased.

The following message was received from the Senate by Mr. Otto, their Secretary:

MR. SPEAKER:

The Senate have disagreed to the engrossed amendment of the House of Representatives to an engrossed bill of the Senate, entitled

No. 82. An act in relation to the office of county treasurer.

The House insisted upon its amendment to bill No. 82, in said message.

On motion by Mr. Claypool,

The House reconsidered the vote taken on bill

No. 253. A bill providing for the publication of certain laws therein named.

Mr. Claypool then moved to insert three dollars in lieu of four dollars, wherever it occurred in the bill;

Which was adopted by unanimous consent.

The bill then passed.

Ordered, That the Clerk inform the Senate thereof.

On leave granted,

Mr. Blakemore introduced

No. 427. A bill amendatory of the three hundred and seventy-sixth section, of the fortieth chapter of the Revised Statutes;

Which was read a first time, and ordered to a second reading.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have disagreed to the engrossed amendment of the House of Representatives, to an engrossed bill of the Senate, entitled,

No. 40. An act to repeal an act, entitled, "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 22, 1841, as far as relates to Jackson county.

The House then receded from the amendment to said bill No. 40, to which the Senate had disagreed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have passed, without amendment, an engrossed bill of the House of Representatives, entitled, as follows :

No. 233. An act to relocate a part of a State road therein named.

Mr. Bell made the following report :

MR. SPEAKER :

The committee on roads, to which was referred the petition of certain citizens of Morgan county, asking an appropriation of the three per cent. fund, have had that matter under consideration, and have directed me to report that the board of county commissioners have sufficient authority upon the subject of that fund, and ask leave to be discharged from the further consideration of that subject.

Whereupon the committee was discharged.

On leave granted,

Mr. Pettit introduced

No. 428. A bill for the relief of Jno. W. Cora ;

Which was read three several times, the rules being suspended therefor, and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Huckaby offered the following resolution :

Resolved, That the principal clerk be directed, in making Mr. Ward his allowance, to allow him for all the time he has been actually engaged in the service of the House, during the present session ;

Which was adopted.

Mr. Parker offered the following resolution :

Resolved, That Jno. D. Ferguson be allowed for the full time he has been employed as an assistant to the assistant clerk ;

Which was adopted.

The following message was received from the Governor, by Mr. Kinder, his private secretary :

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House of Representatives, that he has this day signed and approved the following acts :

No. 420. An act making specific appropriations for the year 1845 ;

No. 319. An act to locate a State road in the county of Marshall ;

No. 272. A joint resolution in relation to a law of the State of New York, permitting a draw back upon salt of her manufacture, introduced within this State ;

No. 89. An act to extend the time of the sessions of the board of commissioners of Bartholomew county, and other purposes ;

No. 268. An act to locate a State road in the counties of Vermilion and Vigo ;

No. 261. An act to vacate a part of a certain State road in the county of Wayne ;

No. 238. An act for the extension of the time of holding the probate courts in the county of Allen, and for other purposes ;

No. 180. An act fixing the time of holding courts in the fifth judicial circuit ;

No. 76. An act to change the name of Susannah Poe to Susannah Cundale ;

No. 64. An act to authorize the sale of school sections in town 4, range 10, in Jefferson county ;

An act to locate a State road therein named ;

No. 323. An act to incorporate the town of Bloomington, in the county of Monroe ;

No. 318. An act to change a certain State road therein named, in the county of Elkhart ;

No. 399. A joint resolution on the subject of the Wabash and Erie canal ;

No. 388. An act for the relief of tax collectors of the county of Greene ;

No. 158. An act to extend the time of holding the probate courts of Montgomery county ;

No. 389. An act to establish a State road in the counties of Tippecanoe and Warren ;

An act providing for the location of a State road in the counties of Marshall and Kosciusko ;

No. 53. An act for the relief of Joseph Proctor and others ;

No. 393. An act reviving and amending a certain act, entitled, an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 2, 1842 ;

No. 394. An act to change the name of Faithsville to Parkersburgh, in Montgomery county ;

No. 136. An act extending the provisions of an act entitled, "an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to the county of Clay ;

No. 61. An act exempting personal property from execution ;

No. 335. An act legalizing the proceedings of the board doing county business in Martin county, and also, of James Dilley, as treasurer and collector ;

No. 326. An act changing the mode of doing county business in the county of Putnam ;

No. 122. An act to locate a State road therein named, and for other purposes ;

No. 384. An act to provide for the binding of the laws and journals ;

No. 141. An act to provide for a uniform mode of doing township business in Clay county ;

No. 41. An act limiting the fees of sheriff for extra services in the county of Marshall ;

No. 43. An act declaring Black creek, in the county of Greene, a navigable stream ;

No. 257. An act changing the mode of doing county business in the county of Brown ;

No. 107. An act to more properly define the boundaries of Dearborn county ;

No. 54. An act to authorize David C. Shannon to erect a mill dam across the Mississinewa river ;

No. 320. An act for the relief of Alexander Beard.

No. 321. An act for the relief of Alexander McClelland ;

No. 117. An act for the relief of William G. Pomeroy ;

No. 305. An act for the relief of George French of the county of Adams ;

No. 197. An act to amend an act entitled, "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes, approved January 13, 1844 ;"

No. 209. An act regulating the jurisdiction of justices of the peace in Lake and Porter counties ;

No. 276. An act to regulate judicial notices in the county of Daviess ;

No. 85. An act to repeal an act entitled "An act to lay out a State road in the counties of Dearborn and Ripley, approved February 1st, 1834 ;

No. 189. An act to amend article 4, chapter 45, of the Revised Statutes of 1843 ;

No. 345. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abbington turnpike company, approved January 15, 1844 ;

No. 354. An act to authorize William Conner and John L. Stephenson to erect a mill dam across White river in Hamilton county;

No. 386. An act to authorize the county commissioner of White county to grant license to clock pedlers;

No. 324. An act vacating part of a State road therein named;

No. 396. An act to improve the breed of horses in Jay county;

No. 139. An act changing the election of school trustees in the counties of De Kalb and Steuben;

No. 137. An act to restrict the grand jury in Franklin county to a limited time in their sessions;

No. 16. An act to amend the several acts now in force relative to the discharge of the duties of school commissioners in the counties of Perry, Fulton, and Marshall;

No. 128. An act to amend an act entitled an act to incorporate the Warren county canal company, approved January 15, 1844;

No. 355. An act for the incorporation of the town of Lafayette in Tippecanoe county;

No. 308. An act for the benefit of John Yount and Philip Weaver; All of which originated in the House of Representatives.

Mr. Grubbs made the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have examined, by titles, the following enrolled bills of the House :

No. 357. An act defining the duties of petitioners for the formation of new counties;

No. 171. An act in relation to justices and other officers in La-porte county;

No. 151. An act declaring Deer creek, from its junction with the Ohio river to Shubal C. Little's mill, a public highway; also the west fork of the same stream from its junction with Deer creek to Shubal C. Little's mill seat on the same, all in Perry county;

No. 178. An act fixing a certain annual compensation to the auditor of Hamilton county;

No. 185. An act to allow a bounty on wolf scalps;

No. 379. An act making general appropriations for the year 1845;

No. 40. An act fixing the time of holding courts in the 5th judicial circuit, and for other purposes;

No. 370. An act to amend an act entitled an act for the relief of David D. Weddle of Brown county, approved January 13, 1844;

No. 193. An act to authorize a settlement with Cornelius Ferree, and for other purposes;

No. 202. An act to legalize the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess;

No. 412. An act relative to the school fund of township No. 10, north of range No. 1 west, in Monroe county;

No. 424. An act authorizing copies of State documents to be furnished to the New York Historical Society;

No. 397. An act to do justice to the people of Martin county;

No. 409. An act to incorporate the New Castle and Anderson-town turnpike company;

No. 279. An act to regulate the mode of doing township business in the county of Elkhart;

No. 211. An act to amend an act entitled "an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;"

No. 194. An act to provide for the locating a State road in the counties of Randolph and Jay;

No. 204. An act incorporating the Kosciusko and Allen turnpike company;

No. 206. An act correcting the boundary line of Richardville county;

No. 190. An act to locate a State road therein named;

No. 131. An act repealing section 76, article 4th, chapter 15th, of the school laws of the Revised Code, in the counties of De Kalb and Steuben.

The following message was received from the Senate, by Mr. Otto, their secretary:

MR. SPEAKER:

The Senate have passed, with one amendment, an engrossed bill of the House of Representatives entitled as follows:

No. 307. An act in relation to the public debt;

In which I am directed to ask, respectfully, the concurrence of this House.

The House disagreed to the amendment of the Senate, in said message, to bill No. 307.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee of free conference appointed on the part of the House to act with a similar committee on the part of the Senate on bill of the Senate No. —, entitled "an act extending the further privilege of issuing notes of a less denomination than five dollars by the State Bank of Indiana," have performed that duty, and report that they could not agree on the difference existing between the two Houses in reference to said bill, and ask to be discharged from the further consideration of that subject.

Whereupon the committee was discharged.

A message from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have discharged the second committee of free conference, on their part, appointed to act with a similar committee on the part of this House, to take into consideration the disagreeing votes of the two Houses relative to an engrossed amendment of the House of Representatives to an engrossed bill of the Senate, entitled,

No. 121. An act to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform this House that they have concurred in the amendment of the House of Representatives to an engrossed bill of the Senate entitled as follows :

No. 6. An act for the relief of Pierre, alias, Peter Poncin of Knox county.

The following message was received from his Excellency, the Governor, by Mr. Kinder, his Private Secretary :

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts :

No. 150. An act to improve the navigation of Lost river ;

No. 160. An act to authorize the county treasurer of Dekalb county to apply certain State revenue in his hands ;

No. 403. An act providing for the fees of Auditor of Hancock county ;

No. 134. An act authorizing the boards of county commissioners of the counties therein named to appoint examiners of common school teachers ;

No. 186. An act requiring an enumeration of the white male inhabitants of this State.

No. 380. An act to raise a revenue for State purposes ;

No. 301. An act for the relief of the creditors of John Graves late of Clay county, deceased ;

No. 192. An act to locate a State road therein named ;

No. 187. An act to authorize pirogues and canoes to navigate the Wabash and Erie canal;

No. 172. An act authorizing of a county auditor in Clay county;

No. 236. An act providing for the better collection of the water rents due the State;

No. 193. An act to authorize a settlement with Cornelius Ferree, and for other purposes;

No. 39. An act authorizing the State treasurer to receive certain treasury notes, and for other purposes;

No. 397. An act to do justice to the people of Martin county;

No. 412. An act relative to the school fund of township No. 10, north of range No. 1 west, in Monroe county;

No. 202. An act to legalize the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess;

No. 190. An act to locate a State road therein named;

No. 379. An act making general appropriations for the year 1845;

No. 175. An act fixing a certain annual compensation to the auditor of Hamilton county;

No. 211. An act to amend an act entitled, an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;

No. 206. An act correcting the boundary line of Richardville county;

No. 40. An act fixing the time of holding courts in the eighth judicial circuit, and for other purposes;

No. 357. An act defining the duties of petitioners for the formation of new counties;

No. 194. An act providing for the locating a State road in the counties of Randolph and Jay;

No. 185. An act to allow a bounty on Wolf scalps;

No. 171. An act in relation to justices and other officers in La-porte county;

No. 131. An act repealing section 76, article 4, chapter 16, of the school laws of the Revised Code, in the counties of Dekalb and Steuben;

No. 370. An act to amend an act entitled, an act for the relief of David G. Weddle of Brown county, approved January 13, 1844;

No. 151. An act declaring Deer creek from its junction with the Ohio river to Shubal C. Little's mill a public highway, also, the west fork of the same stream from its junction with Deer creek to Shubal C. Little's mill seat on the same, all in Perry county.

All of which originated in the House of Representatives.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled bills by their titles:

No. 346. An act to incorporate the Lagrange Phalanx;

No. 352. An act to amend the fifth article of the twelfth chapter of the Revised Statutes of 1843;

No. 221. An act in relation to proceedings upon writs of *ad quod damnum*;

No. 356. An act to compel speculators to pay a road tax equal to that paid by actual settlers;

No. 391. An act to correct an error in an act entitled, an act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes, approved February 9, 1843;

No. 378. An act in relation to the fees of auditor and recorder of Wabash county;

No. 72. An act to confine voters to their respective townships;

No. 92. An act to authorize special sessions of the boards of county commissioners;

No. 181. An act authorizing the board of directors of the Indiana Baptist Education Society, and the board of trustees of Franklin College to sell certain property without license;

No. 401. An act in relation to proceedings in the probate courts;

No. 292. An act establishing a State road in the counties of Putnam and Clay;

No. 375. An act to amend an act entitled, an act changing the mode of doing county business in the county of Clay, approved January 17, 1842;

No. 286. An act to locate a State road in the counties of Randolph and Delaware;

No. 414. An act to amend an act entitled, an act to detach certain territory from the county of Miami and attach the same to the county of Fulton, approved January 15, 1844;

No. 411. An act for the relief of the county seminary of Tippecanoe county;

No. 233. An act to relocate a part of a State road therein named;

No. 368. An act allowing additional compensation to the auditor of Monroe county;

No. 365. An act limiting the fees of auditor in the county of Marshall;

No. 358. An act for the relief of Ebenezer A. Goddard of Adams county.

Mr. Grubbs made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills of the House, and find the enrollment correctly made:

No. 192. An act to locate a State road therein mentioned;

No. 398. An act for the relief of John Yount and Philip Weaver;

No. 403. An act providing for the fees of auditor of Hancock county ;

No. 380. An act to raise a revenue for State purposes ;

No. 236. An act providing for the better collection of the water rents due the State.

Mr. Colms, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined the following enrolled with the engrossed bills and joint resolutions, and find them correctly enrolled, to-wit :

No. 367. An act to incorporate the Milltown bridge company ;

No. 267. An act to change the time of holding probate court in the county of Martin ;

No. 408. A joint resolution on the subject of the Oregon Territory ;

No. 167. An act for the relief of Robert Harbison, of Monroe county, Indiana ;

No. 369. An act to repeal an act entitled, an act to change the mode of doing county business in the county of Scott ;

No. 329. An act to change a part of a State road in Tippecanoe county ;

No. 244. An act to carry into effect an act therein named ;

No. 213. An act to legalize the official acts of Mark Manlove, road commissioner :

No. 225. An act to amend section 342, chapter 30, of the Revised Statutes, as relates to fees and services of executors and administrators ;

No. 91. An act to amend an act entitled, an act relative to licensing groceries in the counties of Carroll and Cass, approved January 1, 1842 ;

No. 218. An act declaring Lick creek, in Owen county, a public highway ;

No. 239. An act to regulate the attendance of grand jurors in the fifth judicial circuit ;

No. 214. An act relative to official bonds ;

No. 179. An act to legalize certain proceedings in the probate court of Carroll county ;

No. 313. An act to incorporate the Logansport brass band ;

No. 189. An act to extend the time to the collectors of Bartholomew and Delaware counties, to settle the county and State revenue of said counties, for the year 1844 ;

No. 66. An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county ;

No. 366. An act to legalize certain acts of masters in chancery in

the counties of Fulton, Marshall, Tippecanoe, St. Joseph, and Laporte, and for other purposes ;

No. 417. An act for the relief of the administrators of John Coce, of Dearborn county, deceased ;

No. 360. An act to amend an act, entitled, "an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands," approved January 13, 1844 ;

No. 349. An act to revive an act therein named ;

No. 410. An act for the extension of a State road in Laporte county, to Winnamac, in Pulaski county ;

No. 336. A bill to change the name of the town of New Market, in the county of Miami, to Chili ;

No. 387. A joint resolution to loan a theodolite to Asbury University ;

No. 342. A joint resolution for the relief of the heirs of Henry Martin ;

No. 243. An act to establish a certain State road therein named ;

No. 363. An act to amend an act, entitled, an act to establish an asylum for the education of deaf and dumb persons in the State of Indiana, approved January 15th, 1844 ;

No. 165. An act to amend the law relative to licenses upon clocks ;

No. 337. An act to locate a State road in Sullivan county ;

No. 372. An act for the relief of the purchasers of lands in the seminary township in Monroe county ;

No. 229. An act to fix the time of holding courts in the tenth judicial circuit ;

No. 362. An act for the relief of purchasers of school lands in the counties of Randolph and Delaware ;

No. 234. An act to locate a State road therein named ;

No. 338. An act to repeal part of an act, entitled, an act vesting the duties of school commissioner in the county treasurer in certain counties, approved January 15, 1844 ;

No. 241. An act to prevent the election of public defaulters.

A message from his Excellency, the Governor, by Mr. Kinder, his private secretary :

MR. SPEAKER:

I am instructed by his Excellency, the Governor, to inform the House, that he has this day approved and signed the following acts :

No. 222. An act to amend an act entitled, an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842 ;

No. 409. An act to incorporate the Newcastle and Andersonstown turnpike company ;

No. 279. An act to regulate the mode of doing township business in the county of Elkhart ;

No. 72. An act to confine voters to their respective townships ;
All of which originated in the House of Representatives.

The following message was received from his Excellency, the Governor, by Mr. Kinder, his private secretary :

MR. SPEAKER :

I am instructed by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed the following acts :

No. 204. An act incorporating the Kosciusko and Allen turnpike company ;

No. 92. An act to authorize special sessions of the boards of county commissioners ;

No. 368. An act allowing additional compensation to the auditor of Monroe county ;

No. 358. An act for the relief of Ebenezer A. Goddard, of Adams county ;

No. 392. An act establishing State roads in the counties of Clay and Putnam ;

No. 182. An act authorizing the board of directors of the Indiana Baptist Educational Society, and the board of trustees of Franklin College, to sell certain property without license ;

No. 401. An act in relation to proceedings in the probate court ;

No. 391. An act to correct an error in an act, entitled, " an act to authorize the board doing county business in the county of Clay, to transcribe a certain record therein named, and for other purposes, approved February 9, 1843 ;

No. 352. An act to amend the fifth article of the twelfth chapter of the Revised Statues of 1843 ;

No. 221. An act in relation to proceedings upon writs of *ad quod damnum* ;

No. 365. An act limiting the fees of auditor in the county of Marshall ;

No. 378. An act in relation to the fees of recorder and auditor in the county of Wabash ;

No. 411. An act for the relief of the county seminary of Tippecanoe county ;

No. 378. An act to amend an act, entitled, an act changing the mode of doing county business in the county of Clay ;

No. 356. An act to compel speculators to pay a road tax equal to that paid by actual settlers ;

All of which originated in the House of Representatives.

Mr. Barclay made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the following enrolled with the engrossed bills, and find the enrollment correctly made:

No. 264. An act to incorporate the Michigan road company ;

No. 347. An act to revise an act, entitled, an act to incorporate the city of Logansport, approved February 17, 1838.

Mr. Barclay also made the following report :

MR. SPEAKER :

The committee on enrolled bills report, that all the enrolled bills reported on this day as enrolled, have since been presented to the Governor, for his approval.

The following message was received from his excellency, the Governor, by Mr. Kinder, his Private Secretary:

MR. SPEAKER :

I am instructed by his excellency, the Governor, to inform the House of Representatives that he has this day signed and approved the following acts:

No. 329. An act to change part of a State road in Tippecanoe county ;

No. 225. An act to amend section 342, chapter 30, of the Revised Statutes, as relates to fees and services of executors and administrators ;

No. 336. A bill to change the name of New Market, in the county of Miami, to Chili ;

No. 338. An act to repeal part of an act entitled an act vesting the duties of school commissioners in the county treasurer, to certain counties, approved January 15, 1844 ;

No. 347. An act to revive an act entitled an act to incorporate the city of Logansport, approved February 17, 1838 ;

No. 264. An act to incorporate the Michigan road company ;

No. 387. A joint resolution to loan a theodolite to Asbury University ;

No. 189. An act to extend the time to the collector of Bartholomew and Delaware counties to settle the county and State revenue of said counties for the year 1844 ;

No. 313. An act to incorporate the Logansport brass band ;

No. 66. An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county ;

No. 214. An act relative to official bonds ;

No. 244. An act to carry into effect the provisions of an act therein named ;

No. 243. An act to establish a certain State road therein named ;

No. 363. An act to amend an act entitled an act to establish an asylum for the education of deaf and dumb persons in the State of Indiana, approved January 15th, 1844 ;

No. 165. An act to amend the law relative to licenses upon clocks ;

No. 372. An act for the relief of the purchasers of lands in the seminary township in Monroe county ;

No. 337. An act to locate a State road in Sullivan county ;

No. 408. A joint resolution on the subject of Oregon territory ;

No. 167. An act for the relief of Robert Harbison of Monroe county, Indiana ;

No. 213. An act to legalize the official acts of Mark Manlove, road commissioner ;

No. 91. An act to amend an act entitled "an act relative to licensing groceries in the counties of Carroll and Cass, approved January 31st, 1842 ;"

No. 218. An act declaring Lick creek, in Owen county, a public highway ;

No. 179. An act to legalize certain proceedings in the probate court of Carroll county ;

No. 267. An act to change the time of holding courts in Martin county ;

No. 239. An act to regulate the attendance of grand jurors in the fifth judicial circuit ;

No. 241. A bill to prevent the election of public defaulters ;

No. 342. A joint resolution for the relief of the heirs of Henry Martin ;

No. 369. An act to repeal an act entitled an act to change the mode of doing county business in the county of Scott ;

No. 40. An act to repeal an act entitled an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes, approved December 29, 1841, so far as it relates to Jackson county ;

No. 234. An act to locate a State road therein named ;

No. 362. An act for the relief of purchasers of school lands in the counties of Randolph and Delaware ;

No. 360. An act to legalize certain acts of masters in chancery in the counties of Fulton, Marshall, Tippecanoe, St. Joseph, and Laporte, and for other purposes ;

No. 360. An act to amend an act entitled an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844 ;

No. 410. An act for the extension of a State road, in Laporte county, to Winnamac, in Pulaski county ;

No. 417. An act for the relief of the administrators of John Coce, late of Dearborn county, deceased;

No. 229. An act to fix the times of holding courts in the tenth judicial circuit;

No. 367. An act to incorporate the Milltown bridge company;

No. 349. An act to revive an act therein named;

No. 156. An act for the relief of Milton Stapp;

All of which originated in the House of Representatives.

The following message was received from the Senate by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have adopted a resolution in the following words :

“Resolved, That a committee be appointed on the part of the Senate to act with a similar committee on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly have completed their legislative business and are now ready to adjourn sine die, if he has no further communication to make to them.”

Mr. Defrees and Mr. Rockhill have been appointed said committee on the part of the Senate.

On motion by Mr. Handy,

The House reciprocated the resolution in the above message;

And the Speaker appointed Messrs. Handy and Hazelrigg said committee to act on the part of the House.

Mr. Hazelrigg, from the committee appointed to wait on his Excellency, the Governor, made the following report :

MR. SPEAKER :

The committee appointed to act with a similar committee on the part of the Senate, have waited on his Excellency, the Governor, and have received for answer, that he has no further communication to make, and he takes this occasion to wish the members a safe and happy return to their firesides and friends.

On motion by Mr. Blakemore,

Resolved, That the Senate be informed that the House of Representatives have gone through with their legislative business of the present session, and are now ready to adjourn, sine die.

The following message was received from the Senate, by Mr. Otto, their Secretary :

MR. SPEAKER :

The Senate have adopted a resolution, in the words following, to-wit ;

Resolved, That the House of Representatives be informed that the Senate have gone through with the legislative business of the present session, and are now ready to adjourn, *sine die*.

Whereupon, Mr. Stapp moved that the House do now adjourn, *sine die*.

When the Speaker, (Mr. Stephenson,) arose in his place, and after a brief and appropriate address, pronounced the House adjourned, *sine die*.

Attest :

GEORGE M. DAVIS,
Assistant Clerk.



JOURNAL

OF

POINTS OF ORDER.

“RULE 60. The Principal Clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the journal of the House.”

DECEMBER 12, 1844.

Mr. Claypool moved “that the Clerk of the House be directed to withhold the message to the Senate, informing them of the adoption of a resolution affixing the time of adjournment, *sine die*, on the 13th of January next, until further directed.”

Mr. Robinson of Carroll objected, and presented a point of order as follows, viz:

“That the motion of the gentleman from Fayette, Mr. Claypool, is not in order, because it is made in violation of the order of business, which, by the rules of the House, cannot be changed unless by a vote of two-thirds of the members; and because no vote has been taken by the House, that they will consider the motion.”

The Speaker decided the motion to be in order, discriminating between *orders* of the House and *resolutions*, the former of which do not come within the purview of the rule requiring a suspension of the order of business.

From which decision of the Chair, Mr. Whight appealed.

On the question,

“Shall the decision of the Chair stand as the judgment of the House?”

The ayes and noes having been demanded, resulted as follows:

Ayes 48, noes 45.

So the decision of the Chair was affirmed.

DECEMBER 27, 1844.

Mr. Miller offered for adoption the following resolution :

Resolved, That this House will, the Senate concurring therein, meet in the hall of the House of Representatives on Monday next, at 10 o'clock, A. M., and proceed to the election of a Senator of the United States to serve as such Senator for six years from and after the 4th day of March next.

Mr. Robinson of Carroll objected, and presented the following point of order :

"That it is not in order to consider this resolution, because this House did, on the — day of December, and during the present session, pass a resolution of the same kind as this, upon the same subject, and nearly or quite in the identical words of this resolution, which was reported to the Senate, and this House has not yet received a message from that body, as to what action, if any, has been had upon the resolution thus sent them, and until we do receive such a message from the Senate, we cannot act upon and adopt the resolution now under consideration."

The Chair decided the question to be one of fact, and peculiarly within the province of the House to determine.

There was no appeal taken.

JANUARY 11, 1845.

The gentleman from Orange, Mr. Vandever, yielded the floor to the gentleman from Jennings, (Mr. Rich,) upon a private suggestion, as it was afterwards stated, that the latter gentleman wished to submit a motion to adjourn. The motion to adjourn was made, but withdrawn before any action had thereon. The gentleman from Parke, (Mr. Bradley,) addressed the Chair, was responded to by the Speaker, and moved the *previous question*. The gentleman from Orange claimed the floor upon the ground that he had relinquished it under the impression that he would be permitted to resume it should the motion to adjourn not be successful. The Speaker decided that the gentleman from Orange was entitled to the floor, and not the gentleman from Parke.

From this decision Mr. Bradley appealed, upon the ground, that when a gentleman yields the floor and resumes his seat, his yielding of it is general and unconditional, and that the House is not bound to recognize any understanding that may exist between two gentlemen, unless it be publicly expressed. And if any gentleman, after the yielding of the floor by a member, addresses the Chair and is responded to by the Speaker, he is entitled to the floor.

On the question,
Shall the decision of the Chair stand as the judgment of the House?

The House decided in the negative.

So the House reversed the decision of the Chair, and the gentleman from Parke was permitted to move the previous question.

Attest:

JNO. H. FARQUHAR,
Clerk House of Representatives.



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B

BANK, STATE.

Reports of Branches. [See reports in Documentary Journal.]

Report of President of State Bank. [See Documentary Journal.]

Communication from President of State Bank,	-	-	-	-	-	-	82
James P. Drake elected a director of,	-	-	-	-	-	-	237

BARCLAY, JOHN M.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	251

BELL, THOMAS.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	126, 192, 226, 276, 277, 330, 388	-	-	

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

616

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
1	A bill to vacate a certain alley in the town of West Logan, &c., - - - - -	47		50	103	169	169
2	Providing for the loaning of school funds in Clay county, - - - - -	47	80, 130	161	299	378	396
3	Providing for the election of a Senator in the Congress of the United States, - - -	47	64, 70	114	31		
4	Commissioners of Grant county to act as board of library trustees, - - - - -	47		161	298	378	397
5	For special term of Cass circuit court, - - -	48		48	69	70, 119	169
6	Reducing salary of Governor, &c., - - -	48	582				
7	Repealing part of an act declaring Patoka a public highway, - - - - -	51	80	161	291		380
9	Changing the name of Palestine, - - -	56		56	180	227	241
10	Amending act incorporating the Porter county manufacturing company, - - - - -	56	81, 117	161	192	227	241
11	Relative to patents to purchasers of saline lands, &c., - - - - -	56		153	298	378	397

12	Incorporating the Philadelphia industrial association, - - - - -	56	81, 131, 166	193	488	490, 558	575
13	Supplemental to an act to change a State road in Sullivan county, - - - - -	56	132	138	290	378	397
14	Relative to tax in Evansville, - - - - -	56		56	79	119	169
15	Authorizing auditors to perform the duties of Notaries Public, - - - - -	56	146				
16	Relative to duties of school commissioners, - - - - -	57	146	199	486		592
17	Changing the time of holding probate courts in Daviess county, - - - - -	57		146	192	227	241
18	Authorizing a special election to be held in Gibson county, - - - - -	59		159	180	216	217
19	Legalizing official acts of the Commissioner of Wabash and Erie canal, - - - - -	59	146	156	292	378	397
20	For the relief of Owen Russell, - - - - -	60		146			
21	Creating thirteenth judicial circuit, - - - - -	70	147, 216				
22	Extending the term of the county board of Jefferson county, - - - - -	70		148	192	227	241
23	Repealing 73d section article 4, Revised Statutes of 1843, - - - - -	72	148				
24	Amending act abolishing final records, &c., - - - - -	72	148	161	294	378	397
25	Changing the name of J. C. Smith, - - - - -	73	148	161	291	244	380
26	Relative to a township in Washington county, - - - - -	73		148	192	227	241
27	For the relief of Jacob Angee, - - - - -	73		73	180	227	241
31	Settling and adjusting the work done on the 1st division Wabash and Erie canal, - - - - -	78	223, 312, 328, 347				
32	Abolishing the office of county auditor in Tipton county, - - - - -	78	223	278	414	451	535

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

618

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
33	Relative to the election of school commissioner in Putnam county, - - -	78		223	423	451	535
34	Relative to charter Michigan city, - - -	78		149	189	198, 216	217
35	Authorizing erection of mill dam, - - -	78		223	423	451	535
36	Repealing Posey county road law, - - -	78		223	311	378	396
37	Legalizing acts school commissioner, - - -	78		223	414	278, 451	534
38	Authorizing the building of a toll bridge across White river, - - -	78		223	432	473	534
39	Regulating fees of jurors, - - -	79	223, 251				
40	Relative to courts in 8th circuit, - - -	79	224	255	421	592	595
41	Limiting sheriff's fees in Wabash county, - - -	79		224	487		591
42	Repealing an act as to Pike county, - - -	79		170	294	378	396
43	Declaring Black creek navigable, - - -	79	225	278	487		591
44	Relative to overseers of poor, - - -	79	225	278	432	473	534
45	Authorizing purchase of suitable tools to work roads with, - - -	79	225	278	486	503	
46	Extending powers of masters in chancery, - - -	79	225, 278				576

47	Declaring meaning of section 29, chapter 31, Revised Statutes, - - -	79	225, 251, 278				
49	Amending 98th section, 15th chapter Revised Statutes 1843, - - -	81	226	279	487	558	576
50	For the relief of John Sankey, - - -	85		226	423	451	534
51	Relative to trustees of Enon church, - - -	85					
52	Relative to convention to amend the constitution, - - -	86	146, 200, 201, 202				
53	For the relief of Joseph Proctor, et. als., - - -	86	226	280	487	563	590
54	Authorizing dam across Mississinewa river, - - -	86		226	487	563	591
55	Preserving wild game in Wabash county, - - -	86	226	280			
58	Repealing part of section 56, chapter 12, Revised Statutes, - - -	101	164, 193	194	488	473	534
59	Authorizing Treasurer to receive certain Treasury notes, - - -	101	233, 271	358	553	588	595
60	Relative to the competency of witnesses, - - -	102	233	280			
61	Exempting property from execution, - - -	102	233, 299	446	512	563	591
62	Defining terms of office of treasurers, - - -	102	233	272			
63	For the relief of Barnett and Powell, - - -	104	234	280			
64	Authorizing sale of school section in Jefferson county, - - -	104		234	487	558	590
65	Incorporating Terre Haute bridge company, - - -	105		234	383	503	575
66	For the relief of L. D. Hovey, et. ux., - - -	105	149, 162	187	421	597	600
67	For the restoration of the burnt records of Miami county, - - -	109	} laid on table 135, } 184, 185, 186, 250	281			
68	Vacating alley in Pittsburgh, - - -	109	234	280	414	450	534
69	For the relief of Ann Matthews, - - -	109		234	421	450	534

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
70	Relative to constructing a dam across the Wabash river, - - - - -	110		234	488	503	576
71	To afford general security against illegal voting, -	115	234, 281				
72	Confining voters to their respective townships, -	115	234, 235	236	419	596	599
73	Authorizing G. A. Rose to file petition, &c., -	116	236	281	415	451	534
74	Authorizing J. Hostetler to sell and convey certain real estate, - - - - -	116		237	487	562	575
75	To extend the time allowed county auditors to make out annual road tax list, - - - - -	116	236	281			
76	Changing the name of Susannah Poe, - - -	118		237	487	558	590
77	Providing for the loaning of school fund in Vigo county, - - - - -	121		181	276	378	396
78	For the relief of Daniel Wise, - - - - -	121		130	192	192, 211, 290	241
80	For the correction of errors in the county of Jefferson, - - - - -	127		281			
81	To diminish costs of defendants in suits at law, -	127	238, 303	466			
82	Giving further time to the Lawrenceburgh and						

83	Indianapolis railroad company to close its affairs, - - - - -	128	239						
	Repealing section 429, chapter 40, Revised Statutes 1843, - - - - -	128	239, 281	308	432	473		534	
84	Regulating fees of county treasurers for receiving and expending county seminary fund, - - -	129		239	488	473		534	
85	To vacate a State road therein named, - - -	129		239	487	558		591	
86	Authorizing C. French to construct a dam across the Wabash river, - - - - -	130		239	488	473		535	
87	Abolishing auditor's office in Putnam county, -	131		282					
88	Amending act incorporating Columbus, Bartholomew county, - - - - -	133		239				534	
89	To extend sessions of commissioners of Bartholomew county, - - - - -	133		239	487	558		590	
90	To locate a road in Marshall and Kosciusko counties, - - - - -	136		239	487	563		590	
91	Amending act relative to groceries in Carroll and Cass counties, - - - - -	137	239	282	512	512, 597		601	
92	Relative to special sessions of the board of commissioners of Vanderburgh county, - - -	137	239	240	421	422, 596		599	
93	Attaching additional territory to Ohio county, -	137	282						
94	To amend certain revenue laws in the county of Elkhart, - - - - -	137		282					
98	For relief of purchasers of certain school lands in Randolph county, - - - - -	142	240	282					
99	To amend 15th chapter of the Revised Statutes 1843, - - - - -	142	240	309					

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
100	Authorizing commissioner of Wabash and Erie canal to sell lands in tracts of quarter quarter sections, - - - - -	142		241			
101	Changing mode of doing county business in Crawford county, - - - - -	143		241	415	450	534
102	Repealing an act therein named, - - - - -	143	241				
103	Relative to the assignment of canal land office certificates, - - - - -	143	241, 253	282			
104	Abolishing office of county auditor in Spencer county, - - - - -	143	242	282			
105	Amending act to reduce tolls on the New Albany and Vincennes road, and other purposes, - - - - -	143	242	282			
106	Legalizing acknowledgments of deeds and other instruments of writing required to be recorded, - - - - -	143	242	282			
107	Defining the boundaries of Dearborn county, - - - - -	143		242	487	563	591
108	For the protection of wild fruit, - - - - -	143		242	415	450	534
109	To amend article 4, chapter 45, Revised Statutes of 1843, - - - - -	143	242, 307	358	487	558	

110	To amend section 88, chapter 48, Revised Statutes of 1843, - - -	143	242	282	421	450	534
111	Amendatory of 6th article, 55th chapter, and 10th article of 47th chapter of Revised Statutes of 1843, - - -	143	242				
112	Relative to election of supervisors of roads in Steuben and Dekalb counties, - - -	143		242	415	451	534
113	Authorizing an additional place for holding elections in Jackson county, - - -	143		242	487	562	575
114	Relative to securing loans from borrowers of the congressional township funds, - - -	143		242	486	503	576
115	Relative to opening and repairing roads and streams in Bartholomew and other counties, - - -	143	242	358	512	512	
116	Authorizing the election of county surveyor in Adams and Jay counties, - - -	144	243, 267	268			
117	Relief of Indiana and other purposes, - - -	144		203	559	560, 573	591
118	Legalizing special sessions of commissioners in Daviess county, - - -	144		243	415	450	534
119	Relative to Vevay and Napoleon turnpike company, - - -	144		243	488	503	576
120	In relation to county treasurers' bonds, - - -	144	243, 272				
121	Relative to penalties upon county commissioners, - - -	153		243			
122	To locate a State road and other purposes, - - -	156		243	487	562	591
123	To extend time of payment for canal lands, - - -	157	243, 376, 424	425			
125	Relating to interest, - - -	159	244				
126	Abolishing auditor's office in Orange county, - - -	159		244	488	503	
127	Relative to election of Secretary of State and State Librarian, - - -	159	160	160	276	311	313

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
128	Relative to Warren county canal company, -	160		241	560		592
129	Changing the name of Anna Maria Schmoll, -	160		244	415	450	534
130	Repealing an act relative to certain suits in Perry county, - - - - -	160	245, 359				
131	Repealing section 76, article 4, chapter 15, of school law, - - - - -	160	446 [427	546	584	593	595
132	To preserve the purity of elections, - - - - -	160	341 to 343, 426,				
133	To amend 73d section, 4th article, 15th chapter, of Revised Statutes of 1843, - - - - -	160		446			
134	To appoint examiners of common school teachers in Switzerland county, - - - - -	161		453	566	588	594
135	For the repair of roads in certain cases, - - - - -	161	453, 454, 456				
136	Relative to township assessors in Clay county, -	161		454	512	563	591
137	Limiting the sitting of the grand jury in Franklin county, - - - - -	161		454	512	563	592
138	Relative to delinquent taxes and common school fund, - - - - -	161	454				

139	Changing election of school trustees in Steuben and Dekalb counties, - - - - -	161		454	512	563	592
140	Relative to chancery practice, - - - - -	161	231	361			
141	Providing for uniform mode of doing township business in Clay county, - - - - -	161		454	512	562	591
142	Repealing part of act relative to payment of taxes, - - - - -	164	455				
143	Relief of president and trustees of Greencastle, &c., - - - - -	165		165	276	378	396
144	Relief of Cynthia Parks, - - - - -	165		455	512	563	575
145	Amending an act therein named, - - - - -	166		166	419	450	535
146	To amend article 7, chapter 13, of Revised Statutes, - - - - -	167	247				
147	Appointing commissioners of reserved townships of land in Gibson and Monroe counties, - - -	167		455	512	563	575
148	Relative to State road between St. Joseph and Elkhart counties, - - - - -	167		167	276	378	397
149	Amending article 7, chapter 12, section 19, of Revised Statutes, &c., - - - - -	168	249				
150	To improve navigation of Lost river, - - - - -	168		362	567	588	594
151	Declaring Deer creek, in Perry county, navigable, - - - - -	168		455	566	592	595
152	To incorporate the Newcastle band of musicians, - - - - -	170		170	276	378	396
153	Relative to the Clark probate court and practice, - - - - -	170	210	170	507	507, 554	602
156	For the relief of Milton Stapp, - - - - -	173		362			
157	Providing for issuing an execution to any county in the State in certain cases, - - - - -	173	455				
158	Extending the time of holding probate courts in Montgomery county, - - - - -	173		455	512	558	590

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
159	To amend article 2, chapter 42, of Revised Statutes of 1843, - - - - -	173		455			594
160	Relative to State revenue in Dekalb county, - - -	173		455	569	588	
161	Authorizing board of Miami county to do certain acts, - - - - -	173		491			241
162	For the relief of William H. Darnell, - - -	173		173	188	227	
163	To enable certain persons therein named to hold real estate, - - - - -	174					
164	Amend act incorporating American cannal coal company, - - - - -	178					601
165	Relative to licenses to vend clocks, - - -	179		497	583	598	
166	Relative to prosecuting attorneys and their duties, - - - - -	179	498				601
167	For the relief of Robert Harbison, - - -	179		498	579	597	
168	To repeal an act therein named, - - -	183	498				
169	To modify section 30 of chapter 16, of the Revised Statutes, - - - - -	183	204, 362	365			

170	Relating to a contractor on the Madison and Indianapolis railroad, - - - - -	183	374, 375	571		595
171	In relation to justices and other officers, in La- porte county, - - - - -	183		499	583	592
172	Authorizing the election of a county auditor in Clay county, - - - - -	183		499	583	588
173	To amend section 63, on page 170, of the Re- vised Statutes, - - - - -	183		499	583	
174	Relative to water power at dam No. 1, near the forks of the Wabash, - - - - -	183	499			
175	Relative to the compensation of the auditor of Hamilton county, - - - - -	183		499	583	592
176	For the relief of Henry Pierce, - - - - -	183	248			595
177	Distributing the saline fund, Indianapolis fund, Treasury fund, &c., - - - - -	183 184	372, 425 475			
178	To encourage manufacturers, - - - - -	184		499	583	597
179	To legalize certain proceedings in probate court of Carroll county, - - - - -	184		369	488	590
180	Fixing time of holding courts in the 5th judicial circuit, - - - - -	184		198	421	423, 596
181	Relating to the selling of clocks by religious or education societies, - - - - -	184	198, 184	197		
182	Relative to an additional place of holding elec- tions in Putnam county, - - - - -	197		499		
184	For the relief of Priscilla Lazenby and others, -	199	499	499	583	592
185	To allow a bounty on wolf scalps, - - - - -	202		203	553	588
186	Requiring an enumeration of white male inhabi- tants of this State, - - - - -	203				594

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
187	Relative to pirogues and canoes on Wabash and Erie canal, - - - - -	204		499		588	595
188	Requiring President and Directors of Madison and Indianapolis railroad company to acquire right of way, &c., - - - - -	206	499	507			
189	Relative to payment of revenue in Bartholomew county, - - - - -	206		388	585	597	600
190	To locate a State road in Whitley and Kosciusko counties, - - - - -	207		500	583	593	595
191	Altering boundary line between Gibson and Pike counties, - - - - -	207	228, 287, 500				
192	To locate a State road in Richardville county, - - - - -	211		500	583	596	594
193	Authorizing settlement with C. Ferree and others, - - - - -	214		500	583	592	595
194	Relative to road in Randolph and Jay counties, - - - - -	215		500	583	593	595
195	To locate a State road in Allen and Noble counties, - - - - -	215		363	487	562	575
196	To incorporate Union Literary Society of South Hanover college, - - - - -	216		216	423	450	534

200	Requiring payment of revenue into State Treasury in such funds as received by treasurers,	220	459		
201	Relative to interest on school fund in Orange county, - - - - -	220	502		
202	Relative to grand and petit jurors in Daviess county, - - - - -	220	502	583	595
203	Allowing additional compensation to judge of sixth circuit for extra term, - - - - -	220		592	
204	Incorporating Kosciusko and Allen turnpike co.,	220	502	583	599
205	Relative to the Wabash and Erie canal, - - -	221		593	
206	Correcting boundary line of Richardville county,	221	528	584	595
207	Exempting certain personal property from taxation, - - - - -	221		593	
208	Repealing part of act relative to R. W. Kirk's mill dam, - - - - -	221			
209	Relative to justices of the peace in Lake and Porter counties, - - - - -	221			
210	For the relief of John Drummond, - - - - -	221	453	512	591
211	Relative to debts due from Lawrenceburgh and Indianapolis railroad company, - - - - -	221	576		
212	Relative to weight of a standard bushel of the different kinds of grain, - - - - -	221	528	584	595
213	Legalizing the official acts of Mark Manlove, -	221	528		
214	Relative to official bonds, - - - - -	221	528	584	601
215	Relative to female school teachers in Franklin county, - - - - -	221	528	584	600
216	Relative to certain suits in Perry county, by administrator of Matthew H. Kempton, - - -	221			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
217	Amending law as to appeals from justices of the peace, - - - - -	221	529	576			601
218	Declaring Lick creek, in Owen county, a public highway, - - - - -	221		532	584	597	
219	Relative to lands forfeited to State of Indiana, - - - - -	222	329, 532				
220	Relative to damages on the Madison and Indianapolis railroad, - - - - -	221					
221	Relative to proceedings on writ of <i>ad quod damnum</i> , - - - - -	222	250	363	568	596	599
222	Amending act relative to construction of public works, - - - - -	231	447, 448	496	560	573	598
223	Providing compensation for persons therein named, - - - - -	232					
224	Relative to township assessors, - - - - -	246	497				
225	To amend the probate law, - - - - -	247		532	584	597	600
226	For the relief of the poor, - - - - -	248		532			
227	To change the venue in certain suits, - - - - -	249	428	546			

228	Relative to the Indianapolis and Lafayette State road, - - - - -	252	283		
229	To attach territory now in Perry to Crawford county, - - - - -	254 532			
230	Relative to the boundary line of Marion and Hendricks, - - - - -	254 533	573	587	
231	For the relief of A. Hendricks & son, - - - - -	254 533	535	589	596
232	Relative to the navigation of St. Mary's river, - - - - -	255	532	584	598
233	To re-locate part of a State road therein named, - - - - -	255	528	584	597
234	To locate a State road therein named, - - - - -	256	374	568	
236	Providing for the collection of water rents, - - - - -	261	475		
237	To amend act relative to stock in State Bank, - - - - -	261			
238	To extend time of holding probate courts in Allen county, - - - - -	264	264	488	503
239	Relative to grand jurors in the fifth circuit, - - - - -	264	536	584	597
240	To repeal act authorizing administrator of M. H. Kempton, deceased, to bring certain suits in Perry county, - - - - -	264 533			
241	To prevent the election of public defaulters, - - - - -	264 536	537	584	598
242	Relative to the fees of jurors in certain counties, - - - - -	264	537	587	
243	To locate a State road therein named, - - - - -	264	537	584	598
244	To carry into effect a certain act therein named, - - - - -	264	537	584	597
245	For the punishment of crimes therein named, - - - - -	265			
246	Relative to granting divorce to Mary Ann Bruner, - - - - -	265	539	577	
247	To amend act therein named, - - - - -	265			
248	Relative to expense of changing venue, - - - - -	265	363	432	450
249	Amending act for the relief of Ann Frankbower, - - - - -	265	265		535

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
250	Amending acts subjecting real and personal property to execution, - - -	265	448	449			
251	To extend February term of Miami probate court, - - -	265		265	432	450	535
252	To prevent waste of people's money, - - -	265	540				
253	For the publication of certain laws, - - -	272	539	588			
254	To allow supervisors further time to work the roads, - - -	272	363	364			
255	To amend 109th section of 16th chapter of Revised Statutes of 1843, - - -	273		540			
256	To vacate State roads in certain cases, - - -	273		363			
257	Changing the mode of doing county business in Brown, - - -	273		363	487		591
258	For the relief of persons therein named, - - -	273		363			
259	For relief of B. H. Scott of Miami county, - - -	274		274	565	565	
260	Amending act establishing a State Bank, and several amendments thereto, - - -	274	540				
261	To vacate part of a State road in Wayne county, - - -	285		285	487	573	590

262	Incorporating the Putnam county medical society,	285	364				
263	Incorporating Indianapolis and Lafayette turn- pike company, - - - - -	285		540	587	600	
264	Incorporating the Michigan road company, -	286		384			
265	For the relief of purchasers of saline lands in Orange county, - - - - -	287		363			
266	To amend first article, section 50, of Revised Statutes of 1843, - - - - -	288		365	487	562	575
267	Relative to probate courts in Martin county, -	288		540	579	597	601
268	To locate State road in Vermillion and Vigo counties, - - - - -	288		288	432	433, 503	590
269	Repealing act declaring the Mississinewa river a public highway, - - - - -	289	541, 557				
273	Repealing part of 163rd section of chapter 12 of Revised Statutes, with respect to Jackson and Scott counties, - - - - -	290		365			
274	Changing time of holding courts in 7th circuit, -	290		386			
275	To amend 7th article of chapter 13 of Revised Statutes, - - - - -	290		290	432	450	535
276	To regulate judicial notices in Davies county, -	290		372	512	558	591
277	Declaring a road in Tippecanoe county a State road, - - - - -	290		290	423	450	535
278	Relative to guardians and wards, - - - - -	290		466			
279	Relative to the mode of doing township business in Elkhart county, - - - - -	299		497	583	593	599
280	Authorizing special term of the Henry circuit court, - - - - -	304		304	419	311	325

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
281	For the relief of H. B. Locket and S. Vandell's heirs, - - - - -	308		308	423	450	535
283	To relocate the county seat of Martin county, - - - - -	308		308	432	473	533
284	To reorganize the militia of Indiana, - - - - -	309	322, 366, 367, 387				
285	For the relief of the auditor of Boone county, - - - - -	310					
286	To locate a State road in Randolph and Delaware counties, - - - - -	311		541	584	596	
287	Requiring non-resident freeholders to pay a road tax equal to that paid by actual settlers, - - - - -	311		363		582	
288	Authorizing settlement with William Sill, - - - - -	317	541				
281	To relocate Washington and Orleans State road in Orange county, - - - - -	321	336	321			
289	Providing for current expenses of the State for 1845, - - - - -	322	414, 561				
290	Legalizing acts of J. Hardin, justice of the peace in Hamilton county, - - - - -	322		322	415	450	535
291	For summoning grand and petit jurors in Madison county, and fixing their fees, - - - - -	322		323	415	450	535

292	Relative to a State road in Putnam county, -	324		541	584	596	599
293	For the relief of Warrick county, -	324	365, 366				
294	Relative to road taxes in Carroll county, -	324	541				
295	Relative to the Revised Statutes of 1843, -	327		363			535
296	Relative to a road tax in Dekalb county, -	326		326	488		
297	To protect the people against oppressive charges for medical services, - - - -	327	541				
298	Providing for the education of the indigent blind of the State of Indiana, - - -	328		539			
299	To compel speculators to pay a road tax equal to that paid by actual settlers, - - -	330		363			
300	To vacate a part of a State road named, - -	330	388	425			
301	For the relief of the creditors of John Graves, late of Clay county, deceased, - - -			363	568	588	594
302	For the relief of Joanna Mahoney, - - -	331		331	488	503	576
303	Authorizing the leveeing of Blue river, in Shelby county, - - - - -	331		331	415	450	534
304	Incorporating the Garrick Institute, of Knights- town, Henry county, - - - -	332		332			
305	For the relief of George French, of Adams county, - - - - -	324		324	486	503	591
306	Extending time of payment to borrowers of cer- tain trust funds, &c., - - - -	344		425			
307	In relation to the public debt, - - - -	344	480, 542	542	593		
308	For the relief of John Yount and Philip Weaver,	346		500	583	596	592
309	Legalizing publication of lands delinquent in Cass county, - - - - -	358		358	360	360	361
310	For relief of securities of William H. Darnell, -	364		365	418	473	535

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
311	Incorporating Indianapolis and Andersontown canal company, - - - - -	367		457			
312	Incorporating Indianapolis and Peru turnpike company, - - - - -	368	383	384	593	597	600
313	Incorporating the Logansport brass band, - - -	368		475	512	562	575
316	For relief of the securities of Daniel Carle, - - -	373		373	512	558	
317	To locate a State road named, - - - - -	373		373	512	558	
318	To change State road in Elkhart county, - - -	373		373	513	558	590
319	To locate a State road in Marshall county, - - -	373		373	584	587	590
320	For relief of Alexander Beard, - - - - -	376		542	585		591
321	For relief of Alexander McClelland, - - - - -	376	380, 425	426	585	562	591
322	Declaring Big Blue river a public highway, - - -	381		381	513	558	575
323	Incorporating the town of Bloomington, - - -	383		383	513	563	590
324	Vacating part of a State road therein named, - - -	385		385	513		591
325	Authorizing the school commissioner of Porter county to sell certain tract of land, - - -	385		385	513	562	576
326	Changing the mode of doing county business in Putnam county, - - - - -	385		385	513	562	591

327	Relating to the auditor of Washington county, -	386					
328	For relief of the heirs of Noah Noble, -	386	455		426		
329	To change part of a State road in Tippecanoe county, - - - - -	387		585	597	600	
330	Relative to tolls on New Albany and Vincennes turnpike, - - - - -	386	542				
331	Abolishing office of county auditor in certain counties, - - - - -	387			539		
332	Authorizing the erection of a dam across Black creek, - - - - -	388	542				
333	To locate a State road in Orange county, - - -	388			426		
334	Relative to an alley in Georgetown, Floyd county, - - - - -	381			426		
335	Legalizing proceedings of county board of Martin county, - - - - -	381			381	513	591
336	Changing name of New Market, in Carroll county, to Chili, - - - - -	382			543	585	600
337	To locate a State road in Sullivan county, -	382			426	585	601
338	Repealing part of an act named, - - - - -	388			544	585	600
339	Locating State road in Dearborn and Ripley counties, - - - - -	388			543		
340	To regulate the fees of recorders in certain cases,	389	543				
345	Amending act incorporating College Corner and Liberty and Abington turnpike company, -	392			392	513	591
346	Incorporating the Lagrange Phalanx, - - -	392				579	596
347	To revise an act incorporating the city of Logansport, - - - - -	392	451		546	581	600

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
348	To locate State roads in Miami, Richardville and Clinton counties, - - - - -	393		393	513	562	575
349	To revive an act therein named, - - - - -	393		543	585	598	602
350	Providing for funding the principal and interest of the internal improvement debt, and paying the same, - - - - -	393	543				
351	To repeal act "for the relief of Miami and other Indians," - - - - -	393	543				
352	To amend 5th article of chapter 12, Revised Statutes, as to Morgan county, - - - - -	393		543	585	596	599
353	Relative to the expenses of school fund in La-porte county, - - - - -	393		586			
354	Authorizing the erection of a mill dam across White river in Hamilton county, - - - - -	393		393	513	563	591
355	Incorporating town of Lafayette, in Tippecanoe county, - - - - -	393		393	513	573	592
356	Compelling speculators to pay a road tax equal to that paid by actual settlers in Randolph, -	393		543	585	596	599

357	Defining duties of petitioners for new counties,	394	543	585	592	595
358	For relief of Ebenezer A. Goddard, of Adams county, - - - - -	394	544	585	596	599
359	For relief of purchasers of certain canal lands in Cass county, - - - - -	394	470			
360	Relative to fees for issuing patents to purchasers of Wabash and Erie canal lands, - - - - -	394	544	585	598	601
361	Repealing act "amending article 4th, chapter 16th, of Revised Statutes, 1843, as to Washington and Jackson counties," - - - - -	394	394			
362	For relief of purchasers of school lands in Randolph and Delaware counties, belonging to Congressional township No. 8, Monroe county	394	540	585	598	601
363	Relative to the deaf and dumb asylum, - - - - -	394	469	584	598	600
364	Authorizing a compromise with the collector of taxes of Putnam county, for 1840, - - - - -	394	426	587		
365	Limiting the fees of auditor in Marshall county,	394	544	585	596	599
366	Legalizing certain acts of masters in chancery, in Fulton, Marshall and Laporte counties, &c.,	394	544	581	597	601
367	Incorporating the Milltown bridge company, - - - - -	395	545	585	597	602
368	Allowing additional compensation to auditor of Monroe county, - - - - -	395	544	585	596	599
369	Relative to mode of doing county business in Scott county, - - - - -	395	584		597	601
370	Amending act for "relief of D. D. Weddle, of Brown county," - - - - -	395	584		592	595
371	To revive the 7th section of chapter 11th of Revised Statutes, - - - - -	395				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
372	For the relief of purchasers of seminary lands in Monroe county, - - -			546	585	598	601
373	To amend act "incorporating the Wabash bridge company," - - -	396		396			
374	Concerning releases, - - -	396	468	546			
375	Relative to the mode of doing county business in Clay county, - - -	396				596	599
376	Explanatory of "act abolishing fees for issuing patents to purchasers of Wabash and Erie canal lands," - - -	396	545				
377	Amend act "incorporating city of Logansport," - - -	396					
378	Relative to fees of recorder and auditor of Wabash county, - - -	396		396	584	596	599
379	Making general appropriations for 1845, - - -	413	444	444	553	[592 553,561,566,567,	595
380	To raise revenue for State purposes, - - -	413	440, 441, 442, 443	443	559	597	594
381	To prevent accumulation of interest upon treasury notes, &c., - - -	413					

382	Extending time of payment of taxes in Hendricks county, - - - - -	415	546				
383	Relative to the completion of the Wabash and Erie canal to Terre Haute, - - - - -	420	545				
384	To provide for the binding the laws and journals, incorporating the College corner and Centreville turnpike company, - - - - -	445		445	513	562	591
385	Authorizing commissioners of White county to grant license to clock peddlers, - - - - -	451		474	579		
386	For the relief of the collector of Greene county, Relative to a State road in Tippecanoe and Warren counties, - - - - -	452		452	513	563	591
387	Correcting an error in an act authorizing county board of Clay county to transcribe a record, &c., - - - - -	456	456	452	513	563	590
388	To repeal section 93d, article 2d, chapter 53d of Revised Statutes, so far as relates to Brown county, - - - - -	458		458			
389	Reviving and amending an act "to compel speculators to pay a road tax equal to actual settlers," - - - - -	458		458	513	563	590
390	To change the name of the town of Faithville, to Parkersburgh, in Montgomery county, - - - - -	458		458	513	563	590
391	Relative to road tax upon canal and school lands, To improve the breed of horses in Jay county, - - - - -	458		458	581		
392	To do justice to the people of Martin county, - - - - -	458		458	513	563	591
393	Defining the various kinds of tariff, - - - - -	458	545	458	569	593	595
394	To vacate the town of Berlin in Fayette county, - - - - -	458		458	513	562	576

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
400	To establish an asylum for the education of the deaf and dumb, - - - - -	462					
	For the relief of purchasers of saline lands in Orange county, - - - - -	466	545	467	584	596	599
401	In relation to proceedings in probate courts, - - - - -	467					
402	For the relief of certain persons named, - - - - -	468	545, 580				
403	Providing for the fees of auditor of Hancock county, - - - - -	469		499	583	597	594
405	Authorizing school commissioner of Harrison county to hear and determine certain applications for relief, - - - - -	470		470			
406	For the relief of Hyacinth Lasselle, - - - - -	470	545				
407	To arrange statistical information relative to agriculture and other branches of industry, - - - - -	471	545				
409	Incorporating New Castle and Andersontown turnpike company, - - - - -	477		477	379	593	598
410	Extending a State road in Laporte county, - - - - -	477		477	583	598	601

411	For the relief of the county seminary of Tippecanoe county, - - - - -	477	599
412	Relative to the school fund in town. 10, Monroe county, - - - - -	478	395
413	Changing the county boundaries of Wabash, Fulton, and Kosciusko, - - - - -	479	545
414	Relative to territory of Miami and Fulton counties, - - - - -	480	596
415	For the relief of Zera Sutherland, - - - - -	483	545, 546
416	To relocate the county seat of Jasper county, - - - - -	484	
417	For relief of John P. Case and Abraham Hyter, administrators, - - - - -	485	602
418	Authorizing superintendent of Wabash and Erie canal to construct vents to culvert over creek at the town of Lagro, - - - - -	485	
419	Relative to tax-payers in Spencer county, - - - - -	503	
420	Making specific appropriations for the year 1845, - - - - -	507	529, 530, 531
422	Incorporating Michigan road company south of Indianapolis, - - - - -	556	590
424	Authorizing copies of State documents to be furnished New York Historical Society, - - - - -	570	
426	Authorizing the sale of lots in Bellville, Hendricks county, - - - - -	576	593
427	Amending section 376, chapter 4, of Revised Statutes of 1843, - - - - -	588	
428	For the relief of John W. Cora, - - - - -	589	

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
1	Vacating part of the town of Mongoquinong,	69	79	145	168
5	Relating to taxes in the town of Rising Sun,	79		145	168
12	Repealing a certain act therein named,	79	146	428	
15	Extending May term of Decatur circuit court,	80	144	145	189, 227
6	For the relief of Peter Poncin of Knox county,	80	145	428	594
7	Extending time of holding Probate courts, &c.,	80		109	152, 227
8	Repealing act incorporating Terre Haute bridge com- pany,	80	169	80	
9	Relative to fall terms circuit courts 12th circuit,	80		159	227
10	Vacating State road in Noble county,	80		145	168
23	Providing for the recharter of Hanover College,	103	116	117	194
24	For the relief of Wilson McConnell,	103	169	103	
28	Amending act locating State road in Sullivan county,	103	169	103	
29	Amending act relative to supervisors of roads in Deca- tur county,	103		145	189, 227
44	Authorizing special session Shelby circuit court,	103		118	168
66	Regulating election of President Judges,	151		151	168
80	Relative to special session of Whitley circuit court,	152		152	226

95	To change the name of the Indiana Baptist labor institute, - - - - -	188	188	244
3	Supplement to act for relief of Nathan Burchfield, - - - - -	189	190, 299, 323	427
13	Relative to the inspection of whiskey, - - - - -	189	190, 549	
14	Legalizing certain proceedings therein named, - - - - -	189	191	343
16	Amending act incorporating Lawrenceburgh and Napoleon turnpike company, - - - - -	189	190	549
19	Relative to treasurer and school commissioner of Dubois county, - - - - -	189	190	549
20	Authorizing a settlement with John Elder, surplus revenue agent, - - - - -	189	190	329
27	Amending act incorporating Richmond and Boston turnpike company, - - - - -	189	191	378
39	Regulating the pay of grand and petit jurors, - - - - -	189	191, 251	
33	Relative to restricting grand jurors of Hancock county to three days at each term, - - - - -	189	190	552
35	Changing the name of Cornelia Minerva Nevins, - - - - -	189	191	371
42	Extending certain privileges in an act therein named, - - - - -	189	190	549
45	Changing a county road to a State road in Sullivan county, - - - - -	190	191	244
47	Incorporating Presbyterian church in Wells county, - - - - -	190	190	550
48	Relative to the common council of Fort Wayne, - - - - -	190	190	538
50	Incorporating German military band of Indianapolis, - - - - -	190	190	550
52	Changing time of probate courts in Dearborn county, - - - - -	190	190	550
53	Legalizing proceedings of board of commissioners of Daviess county, - - - - -	190	190	550
57	Fixing the time of probate courts in Marion county, - - - - -	190	191	191
58	Fixing the time of circuit courts in second circuit, - - - - -	190	190, 552	244

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
59	For the relief of heirs of Peter Reibold, deceased, -	190	191	191	244
62	Restricting commissioners in Lagrange and Noble counties to a tax of fifty cents on the one hundred dollars, - - - - -	190	190	550	
63	Establishing additional place of holding elections in Floyd county, - - - - -	190	191	215	378
67	Relative to the sale of certain lands in Dubois county, -	190	190	550	
69	Extending the time of June term of county board of Randolph, - - - - -	190	190	550	
70	To locate a State road in Allen county, - - - - -	190		550	
71	Relative to sale of real estate by executors and admin- istrators, - - - - -	190	190	550	
75	Relative to a bridge across Laughery creek, Ripley county, - - - - -	190	191	231	378
79	Repealing an act relative to State road in Allen, Dekalb, Noble, Huntington, and Wells counties, - - - - -	190	190	550	
84	Relative to time of holding courts in Marion county, -	190		191	244
85	Relative to petit jurors in Porter county, - - - - -	190		191	244

91	Amending act relative to locating State roads therein named, and for other purposes, - - -	190		191	244
92	To amend act therein named, - - -	190	190	550	
39	Relative to destruction of records of Miami county, -	192	192, 222, 299, 491,	495	496
38	For relief of Francis Linck and Bayless Bennett, -	192	[492, 493, 494		244
40	Relative to changing the mode of selecting petit jurors in Jackson and Bartholomew counties, - -	192		428	589, 601
74	Providing compensation to supervisors of roads and highways, - - -	192	209, 210	429	
82	Relative to the office of county treasurer, - - -	192	193, 467	553	588
83	To locate a State road in Switzerland county, - -	192		193	244
93	Providing for distributing the saline and bank tax funds amongst the several counties of the State, - -	276	277, 328	429	
103	To incorporate the mechanics' institute at Lafayette, -	276	277	332	534
115	Amending acts incorporating the city of New Albany, -	276	277	383	
116	To locate a State road in Randolph and Jay counties, -	276		277	378
126	To incorporate the Crawfordsville and Wabash railroad company, - - -	276	277	429	587
153	Authorizing the purchase of real estate by Geo. W. Lane, - - -	276	277	551	
102	Amending act incorporating Princeton library company, - - -	291		550	
110	Relative to State road in Parke and Vermillion counties, - - -	291		291	
97	Declaring a certain road a State road, - - -	291		550	
104	Amending article 4, chapter 45, Revised Statutes of 1843, - - -	291		550	

BILLS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
112	Incorporating the proprietors of the Lawrenceburgh cemetery, - - - - -	291		291	
87	Supplemental to an act relative to water power at Northport, in Noble county, - - - - -	291	292, 326	429	
143	For the relief of Millens Loomer, - - - - -	292	387, 429, 430	431	
51	Defining the duties of county treasurers in certain cases, - - - - -	294		550	
72	To attach additional territory to the county of Ohio, - - - - -	294		297	417, 418
88	For relief of estate of Samuel Lewis, deceased, - - - - -	294		297	415
98	Securing to recorders their fees in certain cases, - - - - -	294	297	550	
101	To prevent fraudulent practices in the consignment of produce and merchandize, - - - - -	294			
105	Declaratory of the meaning of section 29, chapter 3, article 3, of the Revised Statutes, - - - - -	294	297, 345, 346	429	
108	To legalize certain school loans in Daviess county, - - - - -	294	297, 306	548	
117	To authorize the commissioners of Floyd county to employ a physician to attend the poor, - - - - -	294	297	550	
120	For the relief of E. Masters of Daviess county, - - - - -	294	297	297	
		294		550	

122	To revive part of an act therein named in Ripley county,	294	297
134	Relative to a levee at the town of Vincennes, - -	294	297
154	Relative to the time of holding courts in Tippecanoe county, - - - -	294	297
36	Extending the time of holding courts in Boone county,	298	
106	Relative to a standard bushel of grain, - - -	298	550
2107	To extend act for the relief of settlers on the Wabash and Erie canal lands, - - - -	298	550
H 118	To incorporate the Elkhart brass band, - - -	298	429
123	Reviving, in part, an act incorporating congressional townships and providing for public schools therein, &c., - - - -	298	550
131	Providing for the payment of the members and officers of the General Assembly, - - - -	298	298
166	Incorporating the Lawrenceburgh seminary of learning, &c., - - - -	298	298
136	Repealing a certain act therein named, - - -	299	299
121	To further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars, - - - -	395	508, 509, 510, 511, [571
182	To provide for procuring a suitable site for a State lunatic asylum, - - - -	418	572 577, 586, 593, 594
187	To change the mode of doing county business in Washington county, - - - -	419	514
188	To change the time of holding probate courts in Ripley county, - - - -	419	419
132	Requiring Auditor and Treasurer of State to annex a list of defaulters to their annual reports, - -	419	548
		422	551

BILLS OF THE SENATE—Continued.

Number.	TITLES.	<i>Reported from Senate.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
135	For the benefit of bail for the stay of execution, -	420		551	
139	Amending act incorporating the Perrysville lock com- pany, - - - - -	420		511	
150	For the relief of Francis Godfrey's heirs and devisees, -	489		491	
156	Authorizing the closing up of the suspended debt, -	489	491, 551		
157	Providing for the distribution of road tax paid by the Banks, - - - - -	489		491	
159	To locate a road in Orange and Martin counties, -	489		491	
160	Authorizing the re-valuation of school lands in Craw- ford county, - - - - -	489		504	
164	Relative to county auditor and treasurer of Elkhart county, - - - - -	489		504	
168	Amending act incorporating the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, - - - - -	489		504	563
173	Amending the law regulating liens upon boats, &c., -	489		504	
177	To enable supervisors to keep in repair highways, -	489	505	551	
179	Incorporating the Silver creek bridge company, -	489		504	

180	Relative to the mode of doing county business in Warrick county, - - - - -	489	505
183	Legalizing the proceedings of Stevens Casey, - - - - -	489	505
186	Incorporating the Noland's fork canal company, - - - - -	489	505
190	Abolishing office of auditor in Blackford county, - - - - -	489	505
192	Establishing a free turnpike road in Adams county, - - - - -	489	505
194	Providing for dissolving partnership fences, - - - - -	489	505
195	Authorizing Joseph Quinn and James Norvell to erect toll bridges, - - - - -	489	505
197	Relative to the tolls on the New Albany and Vincennes road, - - - - -	489	549
204	For the relief of purchasers of seminary lands in Monroe county, - - - - -	489	591
213	Amending act incorporating Monroe county female seminary, - - - - -	489	506
149	Changing the mode of doing county business in Parke county, - - - - -	420	506
152	Incorporating the Lafayette and Ohio turnpike company, - - - - -	420	420
169	Incorporating the Laporte county mutual insurance company, - - - - -	420	473
189	For the relief of Lewis Orth, David Wade, and James Thomas, - - - - -	420	551
32	For the relief of Isaiah W. Cron and Daniel McCaughan, - - - - -	421	551
64	Relative to school commissioners, - - - - -	421	549
129	Subjecting equitable interests in school lands to sale on execution, - - - - -	421	550
		423	550

BILLS OF THE SENATE—Continued.

<i>Number.</i>	TITLES.	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
200	For the relief of Alfred Miles and Mary Miles, - -	421		423	
202	For the relief of Elijah Reeves, - - -	421		423	
205	For the relief of Priscilla Lazenby et al., - - -	421		423	
215	Authorizing company to construct a turnpike road from Cambridge City to Muncietown, - -	421		423	
232	To locate a State road in Jay and Blackford counties, -	421		423	
165	For the relief of Benoni Stinson and George W. Miller, school trustees, - - -	423		424	
171	Relative to muskrats on the Wabash and Erie canal, -	423	424, 431, 432	548	
181	Incorporating the Lafayette bridge company, - -	423		432	
196	For relief of administrators and creditors of John Sims, deceased, - - -	423		432	
208	Extending the terms of the Montgomery probate court, -	423		432	
125	To amend 102d section of 13th chapter of Revised Statutes, - - -	433	551		
138	Relative to the city charter of Madison and Lawrenceburgh, - - -	433		550	

210	Extending time of payment to purchasers of school lands, &c., - - - - -	433	433	
219	Incorporating the Philalethian Society of South Hanover College, - - - - -	433	551	
122	Vacating part of the town of Numa, in Parke county, - - - - -	433	433	
224	Repealing 14th section of act "relative to State roads," - - - - -	433	453	
226	Authorizing the town of Lawrenceburgh to subscribe stock in the Lawrenceburgh and Napoleon turnpike company, - - - - -	433	433	
214	Amending act incorporating Cambridge City and Venice turnpike company, - - - - -	433	434	
172	Relative to loaning and collecting sinking fund, &c., - - - - -	434	566, 567	
246	Amending act incorporating Buffalo and Mississippi Railroad company, - - - - -	449	449	
254	To grant new trials in certain cases named, - - - - -	484	484	
207	An act in addition to the 9th article of chapter 13 of Revised Statutes, - - - - -	486	551	
240	Incorporating the Ciceronian Society of Franklin College, - - - - -	486	551	
241	For the benefit of the clerk of St. Joseph county, - - - - -	486	486	
242	For the relief of James Silvers of Rush county, - - - - -	486	551	
244	Relative to water power on the Wabash and Erie canal, - - - - -	486	486	
119	To authorize the re-occupation, by the original owners, of lands set off to the State under acts relating to internal improvements, - - - - -	488	551	

BILLS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
128	Amending act incorporating the University of Notre Dame du Lac, - - - - -	488		490	
140	Repealing certain acts relative to establishment of bank districts, - - - - -	488		490	
141	Repealing act relative to ferriages in Lawrence county, &c., - - - - -	488	491, 569		
144	Continuing in force act incorporating Brookville and Richmond canal company, - - - - -	489		490	
147	To change the name of Muncietown, - - - - -	489		490	
148	To locate a State road in Orange county, - - - - -	489		491	
217	Incorporating the Valparaiso turnpike company, - - - - -	489		506	
218	Relative to overseers of the poor in Ripley county, - - - - -	489		506	
225	To divide Dearborn county into commissioners' districts, - - - - -	489		506	
227	Authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash, - - - - -	490		490	
247	Incorporating the church of United Brethren or Moravians, - - - - -	527		527	

199	To establish a free turnpike road in Jay county,	-	552	552
245	For the relief of Thomas Murphy,	-	552	552
163	Concerning certain conveyances named,	-	559	560
259	Authorizing superintendent of New Albany and Vincennes road to report to Auditor of State, &c.,	-	559	560
206	Amending act incorporating the town of Aurora,	-	559	560
262	For the relief of George H. Dunn,	-	559	560
167	Relative to expenses of change of venue in civil cases,	-	559	560
264	For the relief of Juddy Whisman,	-	559	560
229	Fixing the time of holding courts in the tenth judicial circuit,	-	559	560
267	Relative to a school district in Marion county,	-	559	560
268	Amending act incorporating trustees of Laporte University,	-	559	560
137	For the relief of Henry Pittenger,	-	559	560
175	Relative to county seminary of Laporte,	-	559	560
248	For distributing surplus copies of Revised Statutes of 1843,	-	564	561
249	Legalizing assignment of certificates of certain school lands,	-	564	561
250	Authorizing the election of a school commissioner in town. 9, Franklin county,	-	564	561
251	Authorizing the location of a State road in Daviess county,	-	564	561
255	Fixing the time of holding probate courts in Greene county,	-	564	561
256	Regulating the issuing of writs of supersedeas,	-	564	561

587, 598, 602

BILLS OF THE SENATE.—Continued.

<i>Number.</i>	TITLES.	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
257	Relative to a State road in Boone and Clinton counties, incorporating church of United Brethren or Moravians, &c., - - - - -	564	564		
247		564			
258	For the relief of Parmenter M. Parks, - - -	565		565	
270	To vacate Canal street in Lockport, Carroll county, -	568		568	

BLAKEMORE, GEORGE W.

Appeared and was qualified, - - - - - 4
 Motions made by, 81, 185, 234, 242, 266, 305, 340, 421, 425, 508, }
 547 }

BOARDMAN, DAVID.

Appeared and was qualified, - - - - - 4

BRADLEY, HUGH J.

Appeared and was qualified, - - - - - 4
 Motions made by, 34, 64, 112, 113, 122, 158, 160, 187, 328, 356, }
 415, 432, 498, 509, 527, 548, 549 }

BRECOUNT, GIDEON.

Appeared and was qualified, - - - - - 5
 Motion made by, - - - - - 337

BROWN, JONATHAN R.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 203, 234, 341, 544

BRUCE, JOHN L.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - - - 217, 329

BYERS, DAVID.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 209, 587

C

CALL OF THE HOUSE.

Ordered, 13, 70, 90, 172, 237, 256, 287, 292, 359, 390, 441, 459, }
 490, 494, 504, 577, 580 }

CLAYPOOL, NEWTON.

Appeared and was qualified, - - - - - 4
 Motions made by, 13, 45, 71, 92, 146, 200, 211, 293, 324, 336, }
 343, 505, 508, 544, 588 }

CLERKS OF HOUSE.

Elected, - - - - - 11

COLMS, STEPHEN H.

Appeared and was qualified, - - - - - 5
 Motions made by, 63, 191, 224, 226, 342, 395, 454, 510

COMMISSIONERS.

Report of, on the claim of John Sankey for damages, - - 57

COMMITTEE OF THE WHOLE.

House goes into, - - - - - 48, 437

CONDUIT, ALEXANDER B.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - 251, 365, 503, 530, 542, 576

CONNER, WILLIAM W.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 90, 109

COWEN, JOSEPH.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	497

CUSHING, CORTLAND.

Elected President Judge of the 3d judicial circuit,	-	-	-	176
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D

DARROW, JARED.

Appeared and was qualified,	-	-	-	-	-	5
Proceedings of the House in relation to the death of,	-	-	-	-	-	438, 439
Proceedings of the Senate in relation to the death of,	-	-	-	-	-	439

DAVIS, GEORGE M.

Elected Assistant Clerk,	-	-	-	-	-	4
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DAVIS, SILAS.

Appeared and was qualified,	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	234

DEAF AND DUMB ASYLUM, (TRUSTEES' OF.)

Report of, laid before House by Speaker,	-	-	-	-	67
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DEATHS.

Hon. Jared Darrow dies; proceedings relating thereto,	438, 439
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DILLON, JOHN B.

Elected State Librarian,	-	-	-	-	-	417
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DRAKE, JAMES P.

Elected Director of State Bank,	-	-	-	-	-	237
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DUNN, GEORGE H.

Communications from,	-	-	-	-	-	93, 379
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DUZAN, JOHN.

Appeared and was qualified,	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	310

E

ELECTIONS.

Alexander C. Stevenson elected Speaker,	-	-	-	-	7
John H. Farquhar elected Principal Clerk,	-	-	-	-	11
George M. Davis elected Assistant Clerk,	-	-	-	-	11
Daniel M. Tilton elected Door-keeper,	-	-	-	-	12
Napoleon Bonaparte Markle elected Sergeant-at-arms,	-	-	-	-	30
Isaac Naylor elected President Judge of the first judicial circuit,	-	-	-	-	174
William T. Otto elected President Judge of the second judicial circuit,	-	-	-	-	175
Cortland Cushing elected President Judge of the third judicial circuit,	-	-	-	-	176
John H. Thompson elected Secretary of State,	-	318,	325,	326	
John B. Dillon elected State Librarian,	-	-	-	-	417
James P. Drake elected Director of the State Bank,	-	-	-	-	237

ENDICOTT, JAMES C.

Appeared and was qualified,	-	-	-	-	-	5
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ENGLISH, WILLIAM H.

Proceeds to organize the House of Representatives,	-	-	-	-	3
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F**FARQUHAR, JOHN H.**

Elected Principal Clerk, - - - - - 11

FORD, RAYSTON.

Appeared and was qualified, - - - - - 5

FORESMAN, PHILIP.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - - - 181, 281, 429

FRY, FRANCIS H.

Appeared and was qualified, - - - - - 4

FULLER, ISHAM.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - - - 78, 288, 306, 359, 367

G**GARRETT, CALEB.**

Appeared and was qualified, - - - - - 3
 Motions made by, - - - 122, 206, 236, 242, 364, 490, 577, 582

GREGORY, LEROY.

Appeared and was qualified, - - - - - 4
 Motions made by, 38, 60, 210, 234, 243, 260, 277, 300, 313, 320, }
 339, 343, 356, 424, 445, 494, 511, 532, 561 }

GRUBBS, JOHN W.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	171,	228,	313,	499, 535, 549, 553	

GOVERNOR.

Communicates Annual Message,	-	-	-	-	-	-	18
Communications from,	111,	150,	169,	217,	240,	261, 293, 313,	}
	325,	348,	350,	358,	361,	380, 396, 533, 590, 594, 598, 599, 600	

II

HAMBRICK, AMBROSE.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	-	-	-	-	-	51, 181, 210, 268	

HANDY, AUGUSTUS.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	38,	55,	61,	62,	65,	66, 99, 101, 103, 119, 140,	}
	147,	233,	235,	239,	257,	262, 319, 349, 365, 390, 441, 536, 540,	
						551, 602	}

HANNA, DAVID G.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	243

HARDIN, FRANKLIN.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	141, 251, 303, 333	

HAUSER, FREDERICK.

Appeared and was qualified,	-	-	-	-	-	-	5
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HAZELRIGG, HARVEY G.

Appeared and was qualified, - - - - - 4
 Motions made by, 81, 141, 146, 191, 202, 227, 234, 240, 260, 283, }
 306, 342, 347, 427, 431, 433, 514, 536, 540, 571, 587 }

HELWIG, JACOB.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 429, 455

HEROD, WILLIAM.

Appeared and was qualified, - - - - - 5
 Motions made by, 97, 148, 164, 184, 191, 193, 223, 227, 242, 247, }
 271, 292, 300, 369, 371, 388, 437, 442, 444, 447, 497, 505, 527, }
 547, 574 }

HEUSTIS, OLIVER.

Appeared and was qualified, - - - - - 3
 Motion made by, - - - - - 296

HILL, JAMES.

Appeared and was qualified, - - - - - 4

HINCHMAN, JAMES.

Appeared and was qualified, - - - - - 3
 Motion made by, - - - - - 142

HODGES, JOHN.

Appeared and was qualified, - - - - - 3
 Motions made by, 58, 90, 93, 146, 181, 193, 209, 251, 366, 431, }
 455, 448, 467 }

HOGGATT, LUCIAN Q.

Appeared and was qualified, - - - - - 5
Motions made by, 243, 276, 290, 334, 347, 348, 349, 371, 491, }
494, 497, 541, 560 }

HOSTETTER, HENRY.

Appeared and was qualified, - - - - - 4

HOWARD, THOMAS J.

Appeared and was qualified, - - - - - 4

HUCKABY, JOSHUA B.

Appeared and was qualified, 5
Motions made by, 17, 76, 89, 131, 200, 201, 217, 366, 391, 531, }
539, 548 }

HUEY, ROBERT.

Appeared and was qualified,	-	-	-	-	-	-	5
Motion made by,	-	-	-	-	-	-	191

J

JAMISON, JOHN M.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	201,	210,	358,	447, 448, 481

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

665

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
3	A joint resolution on the subject of the Wabash and Ohio canal, - - -	56	80, 212				
28	On the subject of letter postage, - - -	78	148				
29	Respecting the annexation of Texas, - - -	78	148, 582				
30	Relative to the improvement of the navigation of the Wabash river, - - -	78	149, 256				
56	In favor of Governor Dorr, - - -	89	247, 232				
57	Relative to the refuse lands in Indiana, - - -	89	233	280	487	562	575
58	Relative to grant of land to complete the northern end of the Central canal, - - -	89	226	253	432	450	531
25	Relative to postage, - - -	103					
79	To re-locate the seat of American empire on the highest peak of the Rocky mountains, - - -	122					
95	For the relief of the people of Indiana, - - -	138	240				
96	On the subject of the tariff, - - -	138	240				
97	On the subject of the harbor at Michigan city, - - -	138		240	415	450	534
121	On the subject of public lands, - - -	159	243, 573, 574	575			
251	In relation to our difference with Mexico, - - -	172					

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

<i>Number.</i>	<i>TITLES.</i>	<i>Introduced.</i>	<i>Proceedings, &c.</i>	<i>Passed House.</i>	<i>Passed Senate.</i>	<i>Other proceedings.</i>	<i>Approved.</i>
155	On the subject of the Cumberland road, - -	173		455			
183	For the relief of Geo. H. Dunn, - -	199	499				
197	Relative to the exhibition of the pupils of the Kentucky institution for the education of the blind, - - - - -	220		220	487	558	
198	Relative to a distribution of the proceeds of the sales of the public lands, - - - -	220	500, 501, 546	547			
199	Relative to a reduction of the price of public lands, - - - - -	220		501			
235	Giving to certain members a copy of the Revised Statutes, - - - - -	264	535, 536				
270	Relative to the public lands in Indiana, - -	289		541			
271	Relative to turnpike road from Bloomington to Columbus, through Brown county, - -	289		363	487		575
273	Relative to a law of the State of New York permitting a draw back on salt, - - - -	289		289	488	503	590
315	To furnish maps to each county, - - - -	372	497				

341	Appointing G. W. Lane examiner of the Auditor's office, - - - -	392	543	543	586	598	601
342	For the relief of the heirs of Henry Martin, - - - -	392					
343	Relative to interest on Wabash and Erie canal east of Tippecanoe, - - - -	392	476	481			
344	Relative to the abolition of slavery in the District of Columbia, - - - -	392	543				
387	To loan a Theodolite to Asbury University, - - - -	452		544	586	598	600
390	Relative to the Wabash and Erie canal, - - - -	452	452	453	513	563	590
408	On the subject of Oregon territory, - - - -	476		476	585	597	601
423	On the subject of enrolling, - - - -	558	559				
425	Relative to contractors building an aqueduct across the St. Mary's river, - - - -	573		573			

JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

<i>Number.</i>	<i>TITLES.</i>	<i>Reported from Senate.</i>	<i>Proceedings before passage.</i>	<i>Passed House.</i>	<i>Other proceedings.</i>
11	Reviving, in part, an act therein named, - - -	80		144	169, 244
25	Relative to postage, - - -	104	146	428	
37	Relative to Robert Downey's improved method of manufacturing leather, - - -	104		119	168
31	Relative to the Wabash and Ohio canal, - - -	189	191	549	
34	Relative to the Wabash river, - - -	189	191	519	
239	On the subject of repudiating State debts, - - -	486		551	582
193	For the relief of David T. Yeakel and Elizar Deming, For a grant of land to construct the northern Cross railroad in the States of Illinois and Indiana, -	490	506	547	
233	Relative to purchasers titles of seminary lands in Gib- son county, - - -	490			582
238	Relating to the assumption of State debts, - - -	552	552, 577		
236	In relation to exchanging documents with other States,	560		577	
235		577			

JONES, JOHN R. (*of Fountain.*)

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	514, 530

JONES, DAVID M., (*of Vigo.*)

Appeared and was qualified,	-	-	-	-	-	-	3
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K

KELLEY, JOHN.

Appeared and was qualified,	-	-	-	-	-	-	4
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KERR, JAMES.

Appeared and was qualified,	-	-	-	-	-	-	4
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KINDER, T. BROWN.

Appointed Private Secretary to Governor,	-	-	-	-	-	-	150
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L

LANIUS, WILLIAM.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	-	-	-	-	-	-	282, 296, 332

LEGG, WALTER.

Appeared and was qualified,	-	-	-	-	-	-	3
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LESLIE, FREDERICK.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	S, 44, 146, 236, 350, 529, 531, 553	-	-	

LEWIS, JOHN, (*of Dearborn.*)

Appeared and was qualified,	-	-	-	-	-	-	3
Motion made by,	-	-	-	-	-	-	294

LEWIS, JOSEPH, (*of Wayne.*)

Appeared and was qualified,	-	-	-	-	-	-	3
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LITTLE, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	52, 232, 240, 453	

M

McALLISTER, THOMAS.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	212

MANVILLE, SYLVANUS.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	290, 532

MARKLE, NAPOLEON BONAPARTE.

Elected Sergeant-at-arms,	-	-	-	-	-	-	30
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MATLOCK, WILLIAM T.

Appeared and was qualified,	-	-	-	-	-	-	4
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McCLURE, DANIEL G., (*of Knox.*)

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	303, 428, 537	

McCLURE, DAVID, (*of Scott.*)

Appeared and was qualified, - - - - - 4

McGAUHEY, JAMES P.

Appeared and was qualified, - - - - - 5

MEMBERS.

Appear, produced credentials, &c., - - - - - 3, 188

MESSAGE.

Annual of Governor, communicated, - - - - - 18

MILLER, WILLIAM.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - - - 209, 537

MONTGOMERY, WILLIAM.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 207, 228, 239, 428, 500, 528

MOONEY, SAMUEL P.

Appeared and was qualified, - - - - - 4

N

NAYLOR, ISAAC.

Elected President Judge of 1st judicial circuit, - - - - - 174

NIMMON, WILLIAM H.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	371, 430

NUTTER, CHARLES.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	303



ODELL, JOHN W.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	347, 515

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The Speaker announces,	-	-	-	-	-	-	31
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Made by Mr. Robinson of Carroll,	-	-	-	-	-	-	258
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OSBORN, ANDREW L.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by, 64, 93, 149, 240, 260, 281, 305, 434, 442, 483,)							
197, 539, 541, (

OTTO, WILLIAM T.

Elected President Judge of the 2d judicial circuit,	-	-	-	-	-	-	175
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P

PALMER, JOEL.

Appeared and was qualified, - - - - - 4
 Motions made by, 15, 16, 81, 120, 158, 205, 268, 313, 425, 454, }
 491, 540. }

PARKER, ISAAC.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - 36, 91, 122, 135, 185, 331, 448, 531

PEEK, CAGER,

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 236, 538, 552

PETITIONS, MEMORIALS AND REMONSTRANCES.

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 Barclay, 196, 435
 Bell, 178, 435
 Blakemore, 58, 70, 71, 196, 208, 230, 245, 317
 Bradley, 83, 283, 301
 Brecount, 195, 337, 338, 371, 435
 Brown, 337
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 Byers, 134, 178, 281, 436
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 Cowen, 84, 208, 338, 339
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- Herod, 151, 195, 245, 300, 320, 337
- Heustis, 83, 84, 150, 245, 283, 321, 370
- Hill, 246, 321, 369
- Hodges, 58, 300
- Hoggatt, 42, 126
- Hostetter, 245
- Huckeby, 42, 134, 151, 178
- Huey, 84, 112, 178, 208, 284, 339, 371
- Jamison, 455
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On petition from Kosciusko and Whitley counties relative to a State road, - - - - -	207
On petition from Pike county relative to boundary line, - - - - -	207
On House bill No. 156, for the relief of Milton Stapp, - - - - -	210
On petition from Richardville county relative to a State road, - - - - -	211
On joint resolution No. 8, of the House, relative to the Wabash and Ohio canal, - - - - -	212
On petition to form a new county to be called "Hart," - - - - -	212
On petition of Cornelius Ferree, relative to water power, - - - - -	214
On petition of Mrs. Shelton relative to State road in Randolph and Jay counties, - - - - -	214
On Senate bill No. 63, relative to additional place of holding elections in Floyd county, - - - - -	215
On petition from Allen and Noble counties relative to a State road, - - - - -	215
On petition of J. Y. Allison and others for charter of literary society, - - - - -	216
On House bill No. 21, for the formation of the 13th judicial circuit, - - - - -	216
On House bill No. 103, relative to the assignment of canal land office certificates, - - - - -	253
On petition and remonstrance relative to attaching territory to Crawford county, - - - - -	254
On petition relative to boundary line of Marion and Hendricks counties, - - - - -	254
On petition of A. Hendricks and Son for relief, - - - - -	254
On petition from Adams and Allen counties relative to St. Mary's river, - - - - -	254
On House bill No. 40, fixing time of holding courts in 8th circuit, - - - - -	255
On petition from Martin, Lawrence and Owen counties relative to a road, - - - - -	255
On House joint resolution No. 30, relative to the improvement of the Wabash river, - - - - -	255
On petition from Cass county relative to a State road, - - - - -	256
On petition from Brown county for a change in the mode of doing county business, - - - - -	273
On petition of Jesse Daver for relief, - - - - -	273
On petition from B. H. Scott of Miami county for relief, - - - - -	275
On petitions for the incorporation of a Michigan road company, - - - - -	286
On petition of Azor Charles, <i>et. al.</i> , for relief, - - - - -	286
On petition relative to State road from Indiana Furnace to Terre Haute, - - - - -	288
On petition to repeal the law which declares the Mississinewa river a public highway, - - - - -	288

On House bill No. 284, re-organizing the militia of the State of Indiana, - - - - -	322
On Senate bill No. 3, for the relief of Nathan Burchfield, -	323
On petition for the relief of George French of Adams county, -	323
On petition from citizens of Clay county, - - - - -	324
On petition from citizens of Dekalb county relative to a road tax, - - - - -	326
On petition relative to a road tax in Tipton county, - -	330
On petition from Hancock county relative to vacating a part of a road, - - - - -	330
On petition of Elias Bowling, administrator of John Graves, late of Clay county, - - - - -	330
On petition from Adams county, - - - - -	330
On petition from Allen county relative to a turnpike road, -	331
On petition for the relief of Joanna Mahoney, - - - - -	331
On petition from Shelby county relative to Blue river, - -	331
On petition of citizens of Knightstown for charter of Garrick Institute, - - - - -	332
On House bill No. 180, fixing the time of holding courts in the 5th circuit, - - - - -	369
On petition of H. W. Walker of Georgetown, Floyd county, -	381
On petition from New Market, Miami county, - - - - -	382
On petition relative to State road in Sullivan county, - -	382
On petition from Kosciusko county for the vacation of part of a State road, - - - - -	385
On petition from Porter county relative to sale of school lands, -	385
On petition from justices of the peace of Putnam county, -	385
On petition from Washington county to restore office of county auditor, - - - - -	386
On House bill No. 274, changing the time of holding courts in the 7th judicial circuit, - - - - -	386
On petition of the heirs of Noah Noble, deceased, for relief, -	386
On petition from Daviess and Martin counties relative to New Albany and Vincennes road, - - - - -	386
On petition from Tippecanoe county relative to a State road, -	387
On petitions from Johnson and Sullivan counties relative to office of county auditor, - - - - -	387
On Senate bill No. 143, for the relief of Mileins Loomer, - -	387
On petition of Thomas Carria <i>et. al.</i> , to erect a mill dam across Black creek, - - - - -	387
On petition of Robert Dougherty <i>et. al.</i> , relative to a State road in Orange county, - - - - -	388
On petition from Dearborn and Ripley counties relative to a State road, - - - - -	388
On petition from Johnson county relative to county recorder's fees, - - - - -	389
On proposition relative to the completion of the Wabash and Erie canal, - - - - -	420

On petition from Madison and Henry counties relative to a turnpike road, - - - - -	476
On petition from Laporte county relative to a State road therein, - - - - -	477
On petition from Seminary trustees and commissioners of Tippecanoe county, - - - - -	477
On petition to attach a part of Grant to Blackford county, -	477
On petition from Monroe county relative to school funds, &c.,	478
On petitions relative to county boundaries of Wabash, Ful- ton and Kosciusko counties, - - - - -	478, 479
On petition from Miami county relative to territory of Miami and Fulton counties, - - - - -	479
On message of Governor and accompanying communications relative to bond holders, &c., - - - - -	480
On House joint resolution No. 343, in relation to the interest on the Wabash and Erie canal lands, - - - - -	481
On petition from Zera Sutherland for relief, - - - - -	482
On petition from Jasper county for a change of the county seat,	484
On petition for a change of a county line between Richard- ville and Clinton counties, - - - - -	484
On petition from John P. Cace and Abraham Hyter, admin- istrators, for relief, - - - - -	485
On House bill No. 188, enabling Madison and Indianapolis railroad company to receive the right of way, &c., - - -	507
On petition of Zera Sutherland, (minority report,) - - -	545
On petition from Decatur county relative to the Michigan road,	556
On Senate bill No. 141, to reduce the prices of ferriage in Lawrence county, - - - - -	569
On petition and remonstrance from Greene and Monroe coun- ties, relative to a road, - - - - -	570
From joint committee to wait upon Governor, &c., - - -	602

FREE CONFERENCE.

On House bill No. 379, making general appropriations for 1845, - - - - -	564, 566
On House bill No. 120, relative to notes of a less denomina- tion than \$5, - - - - -	586, 593

RESOLUTIONS.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Declaring John H. Farquhar duly elected Principal Clerk of the House,	- - - - -	11	Mr. Stapp	12	Laid on table.
Relative to the election of sergeant-at-arms,	- - - - -	15	Gregory		
Informing the Senate of the organization of the House of Representatives,	- - - - -	12	Whight	12	Laid on table.
Relative to sergeant-at-arms,	- - - - -	12	Matlock		
Requesting Mr. Gurley to open the session with prayer,	- - - - -	12	Handy	12	
Adopting the rules of last session,	- - - - -	12	Wright of S.	12	
Appointing committee to wait on Governor,	- - - - -	12	Whight	12	
Relative to furnishing rules for use of the members of House of Representatives,	- - - - -	14	Hazelrigg	14	
Requesting attendance of Senate to hear the prayer of Rev. Mr. Gurley,	- - - - -	14	Claypool		Laid on table.
That the reporters be allowed seats within the Hall,	- - - - -	16	Robinson of C.	16	
Relative to newspapers for use of members,	- - - - -	16	Osborn	17	
Relative to adjourning, sine die,	- - - - -	17	Handy		Laid on table.
Relative to opening session with prayer,	- - - - -	17	Blakemore	17	
Requesting Senate to hear message,	- - - - -	17	Stapp	17	
Relative to election of sergeant-at-arms,	- - - - -		Robinson of C.	29	

Relative to furnishing Governor's message for House, - - -	34	Hazelrigg	34	Laid on table.
Relative to furnishing Auditor's report for use of House, - - -	34	Hazelrigg		
Directing door-keeper to furnish laws, &c., of last year for use of members during this session, - - - - -	34	Robinson of D.	34	
Relative to furnishing, for the use of members, one copy each of the Sentinel and Journal, - - - - -	34	Miller		Laid on table.
Changing the time of selecting road supervisors, - - - - -	34	Sullivan		Not adopted.
Making the member presenting a petition, &c., one of the committee to whom it is referred, for the time, - - - - -	35	Tingley	35	
Speaker not to respond to member out of his seat, - - - - -	35	Garrett	35	
Names of members demanding ayes and noes to be entered, - - - - -	35	Whight	35	
Calling on State Treasurer for certain information, - - - - -	35	Tingley	35	
Enquiring whether any of the members are defaulters, - - - - -	35	Vandever	35	
Authorizing evidence to be sent for in the case of the contested seat of the Hon. A. T. Rose, - - - - -	35	Gregory		Laid on table.
To go into election of Judge of third circuit, - - - - -	35	Robinson of D.		Laid on table.
Giving justices of the peace jurisdiction in all minor offences and misdemeanors, - - - - -	35	Robinson of C.	35	
Changing the time of handing over list of names to supervisors of roads, - - - - -	36	Grubbs	36	
Enquiring of Secretary of State cost of Revised Statutes of 1843, To go into election of Judges, - - - - -	36	Osborn	36	37
Enquiring of Secretary of State for further information touching Revised Statutes of 1843, - - - - -	36	Robinson of C.		Laid on table.
Relative to the public inspection of Treasurer's books, - - - - -	37	Claypool	37	38
Confining voters to their townships, - - - - -	37	Conduitt	37	
Relative to revaluation of lands, - - - - -	37	Whight	37	Laid on table.
		Vandever	37	

RESOLUTIONS—Continued.

SUBJECT MATTER OF.	<i>Introduced.</i>	<i>Mover's name.</i>	<i>Adopted.</i>	<i>Other proceedings.</i>
Inviting Senate to Hall of House to hear the prayer of Rev. Mr. Gurley, - - - - -	38	Mr. Leslie	37	
Relative to repealing 73d section, 4th article, of Revised Statutes, -	39	Pomeroy	39	
Relative to 98th section, 15th article of Revised Statutes, -	39	Hazelrigg	39	
Relative to electing supervisors, - - - - -	40	Tague	40	
Reciprocating resolution of Senate relative to the death of Hon. Abner Davis and Hon. William B. Mitchell, -	43	Tingley	43	
Reducing fees and salaries, - - - - -	44	Herod	44	
Electing supervisors by road districts, - - - - -	44	Wright of W.		Not adopted.
Relative to property exempt from execution, - - - - -	45	Robinson of D.	45	
Requiring information of State Auditor, - - - - -	45	Blakemore	45	
Relative to burnt records of Miami county, - - - - -	45	Pettit	45	
Relative to abolishing final records, &c., - - - - -	45	Osborn	45	
Relative to fees of grand and petit jurors, - - - - -	45	Colms		Laid on table.
Relative to forming probate circuits, - - - - -	45	Robinson of C.	45	
Amending school law, - - - - -	46	Gregory	46	
Abolishing docket fees in criminal cases, - - - - -	46	Hazelrigg	46	
Declaring a justice's court not a court of record, - - - - -	46	Sullivan	46	
Amending 31st rule of the House of Representatives, - - - - -	46	Hazelrigg		Not adopted.

Relative to various parts of Governor's message, -	-	-	48	Committee of whole	49
Relative to charges of defalcation against the Hon. A. T. Rose, member House of Representatives from Clay county, -	-	-	50	Mr. Robinson of D.	50
Requiring information relative to bank loan, -	-	-	51	Colms	51
Relative to fees of county treasurers, -	-	-	51	Claypool	51
Requiring information of State auditor, -	-	-	51	Vandever	51
To print Governor's message in German language, -	-	-	51	Davis	52
Giving a clerk to committee on elections, -	-	-	55	Miller	55
To print additional Governor's messages in German language, -	-	-	55	Huckeby	Not adopted.
Relative to cost of German messages, -	-	-	60	Hambrick	60
Relative to State and county roads, -	-	-	60	Hodges	60
To adjourn <i>sine die</i> on the 6th of January, -	-	-	60	Smith	Laid on table.
Requesting information of President of State Bank, -	-	-	60	Vandever	60
Relative to road tax, -	-	-	61	Herod	61
Relative to attaching part of of Grant county to the county of Blackford, -	-	-	61	Darrow	Laid on table.
Repealing appraisement laws, -	-	-	61	Anthony	Laid on table.
Relative to five per cent. for failure to pay tax, -	-	-	61	Fuller	61
Relative to the speedy collection of debts, -	-	-	62	Stapp	Laid on table.
Purchasing Spectator for use of House, -	-	-	63	Smith	63
Relative to the altered treasury notes, -	-	-	63	Rosseau	63
Authorizing door-keeper to employ assistants, -	-	-	63	Wright of S.	64
Relative to religious belief of witnesses, -	-	-	64	Parker,	64
Relative to overseers of the poor, -	-	-	64	Herod	Not adopted.
Relative to illegal voting, -	-	-	73	Barclay	73
Relative to justices trying small offences, -	-	-	73	Tague	73
Relative to the term of office of county treasurers, -	-	-	74	Grubbs	74
Creating an agent to prepare papers for probate courts, -	-	-	74	Wright of W.	Not adopted.

RESOLUTIONS—Continued.

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SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other Proceedings.
Relative to the assessment of taxes, - - -	-	74	Mr. Mooney	74	
Calling convention to amend constitution, - - -	-	74	Sullivan	74	
Relative to Madison and Indianapolis railroad company, - - -	-	74	Herod	74	
Relative to completion of Cross cut canal, - - -	-	74	Hauser	74	
Relative to pay of supervisors, - - -	-	74	Nutter		Lost.
Relative to the working out of road tax, - - -	-	75	Bradley	75	
Relative to foreign bondholders, - - -	-	75	Hambrick		Laid on table.
Relative to width of county roads, - - -	-	75	Hardin	75	
Relative to the fund in bank for common schools, - - -	-	75	McClure of K.	75	
Releasing forfeitures for the nonpayment of taxes, - - -	-	75	McClure of K.		Not adopted.
Relative to electing township assessors, - - -	-	75	Stophlet		Lost.
Relative to a fine for not working on roads, - - -	-	76	Conduit		Laid on table.
Relative to premium on wolf scalps, - - -	-	76	Helwig	122	
Requiring information of Governor, - - -	-	76	Hazelrigg	76	
Relative to penalty for nonpayment of taxes, - - -	-	76	Hazelrigg	76	
Relative to costs upon indictments, &c., - - -	-	76	Parker	76	
Relative to duties of county surveyors, - - -	-	77	Little	77	
Relative to costs in State cases, - - -	-	77	Barclay	77	
Relative to road tax of non-residents, - - -	-	77	Gregory	77	

RESOLUTIONS—Continued.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Reducing tolls on pirogues and canoes on Wabash and Erie canal,		111	Mr. Stophlet	111	
Relative to granting use of the Hall of House of Representatives,		119	Stapp	120	
Relative to forfeited Saline lands,	- - -	120	Vandeveer	120	
Relative to the publication of delinquent list,	- - -	120	Hambriek	120	
Relative to road supervisors,	- - -	120	Conner	120	
Relative to office of auditor of Putnam county,	- - -	120	Wills	120	
Relative to the 73d section of 4th article of 15th chapter of Revised Code,	- - -	121	Palmer	121	
Relative to 478th section, 14th article, 40th chapter, Revised Statutes,	- - -	121	Robinson of D.	121	
Relative to 36th section of 7th chapter of Revised Statutes,	- - -	121	Pettit	121	
Requesting information of Auditor respecting 18th section of act to value the property of this State,	- - -	121	Whight	121	
Relative to sinking and other funds of the State,	- - -	122	Hill	122	
Relative to the death of the Hon. Ratliff Boone,	- - -	123	Tingley	123	
Relative to appraisement laws,	- - -	140	Parker		Indef. postp'd.
Relative to exempting preachers from working roads,	- - -	141	Herod		Postponed.
Authorizing Clerks to employ assistants,	- - -	150	Robinson of C.	150	
Relative to selecting grand and traverse jurors,	- - -	157	Leslie	157	

Relative to election of President Circuit Judges,	-	-	157	Claypool	157	
Relative to enumeration of white male inhabitants,	-	-	157	Hardin		Lost.
Relative to reducing the taxes,	-	-	157	Tague	159	
Relative to physicians charges,	-	-	158	Jamison		
Relative to printing report of superintendent, visitors, and examiners of the old and new State Prison,	-	-	166	Com. on State prison	166	
Requesting Governor to furnish documents relative to the old and new State Prison,	-	-	166	Com. on State prison	166	
Relative to information as to eastern division of Wabash and Erie canal,	-	-	170	Mr. Rich	170	
Relative to fees and salaries of officers,	-	-	170	Hambrick		Laid on table.
Relative to the contested seat of the Hon. A. T. Rose, a member from Clay county,	-	-	170	Handy	170	
Relative to printing adjutant and quarter master general's reports,	-	-	171	Huckaby	171	
Relative to a re-valuation of lands mortgaged to the sinking fund and a reduction of price, &c.,	-	-	171	Pomeroy	171	
Relative to the joint occupancy of the Oregon territory,	-	-	171	Whight	171	
Relative to election of judges in first, second, and third circuits,	-	-	171	From Senate	172	174
Inviting Senate into Hall of House of Representatives to go into election of judges,	-	-	174	Mr. Robinson of C.	174	
Relative to the demise of Hon. Noah Noble,	-	-	177	Grubbs	177	
Relative to the assessment of a road tax on the stock of the several Branches of the State Bank,	-	-	179	Lanius	179	
Relative to the issue of small bills by the State Bank,	-	-	180	Colms	182	Laid on table.
Relative to clothing persons discharged from State Prison,	-	-	181	Leslie	182	
Relative to an exhibition of pupils of Kentucky institute for the blind,	-	-	182	Barclay	182	
Relative to exempting property from execution,	-	-	182	Huey		Lost.

RESOLUTIONS—Continued.

SUBJECT MATTER OF.	<i>Introduced.</i>	<i>Mover's name.</i>	<i>Adopted.</i>	<i>Other proceedings.</i>
Relative to clothing discharged prisoners at the expense of the county where convicted, - - - - -	183	Mr. Whight		Lost.
Relative to alteration of the relief laws, - - - - -	183	Shively		Lost.
Relative to allowance of W. S. Roberts for summoning witnesses, Granting use of Hall to pupils of Kentucky institute for the blind, -	198	Robinson of D.		
Relative to going into the election of a United States Senator, -	206	Barclay	206	
Relative to change in the order of business, - - - - -	217	Garrett	217	Lost.
Relative to additional tax for the education of the deaf, dumb, and blind, - - - - -	217	Shanks		
Relative to the fees and services of executors and administrators, -	218	Parker	218	
Relative to a location for the deaf and dumb asylum, - - - - -	218	Tomlinson	218	
Relative to making seduction a criminal offence, &c., - - - - -	218	Wright of S.	218	
Relative to additional copies of reports of superintendent, visitors, and examiners of the State Prison, - - - - -	218	Hoggatt	218	
Relative to electing assessors in Dubois county, - - - - -	218	Handy	218	
Relative to the law of bastardy, - - - - -	219	Davis	219	
Granting use of Hall to Henry Bradley, - - - - -	219	Tomlinson	219	
Relative to a distribution of copies of Revised Statutes of 1843, -	219	Stapp	219	
		Colms	219	

Relative to an amendment to the poor law, - - -	219	Tomlinson	219
Repealing all laws that make scrip receivable for school funds, -	219	Handy	219
Relative to a reduction of Representatives and Senators, -	219	Brown	219
Relative to the duty on foreign salt, - - -	219	Whight	219
Relative to distribution of laws and journals of present session, -	219	Hazelrigg	219
Relative to papers and documents forwarded by members, &c., -	220	Jones of F.	220
Relative to petitions of Alexander Beard, - - -	222	Hodges	222
Granting use of Hall to Mr. Willard, - - -	228	Hazelrigg	228
Relative to election of State Bank director, - - -	228	From Senate	228
Relative to election of State Bank director, - - -	237	Mr. Robinson of C.	237
Authorizing the printing of 100 copies of House bill No. 132, -	241	Whight	241
To go into the election of a United States Senator, - - -	256	Miller	259
Relative to time of meeting, - - -	260	Whight	274
Relative to property exempt from execution, - - -	261	Wright of W.	Lost.
Relative to the 28th section of the 28th chapter of Revised Statutes, -	261	Walker	Lost.
Requesting information of the Governor relative to deaf and dumb, -	261	Wills	261
Requesting of commissioner of the Wabash and Erie canal certain information, - - -	262	Tingley	262
Relative to dividing the State into probate circuits, - - -	263	Rose	263
Relative to tolls for grinding in this State, - - -	263	Helwig	263
Relative to the deaf, dumb, and lunatic asylum tax, - - -	263	Tomlinson	263
Relative to a census of the deaf, dumb, blind, lunatic, and insane, -	263	Pettit	263
Granting use of Hall to State temperance society, - - -	265	Jones of F.	265
Enquiring for resolution relative to reduction of salaries, - - -	289	Hambrick	289
Relative to a uniform mode of doing county business, - - -	289	Bradley	289
Relative to the accounts of the treasurer of Morgan county, - - -	289	Conduitt	289
Relative to election of Secretary of State, - - -	305	From Senate	305
Inviting Senate into Hall to proceed to election of Secretary of State, -	317	Mr. Whight	317

Lost.

Lost.

Lost.

Lost.

RESOLUTIONS—Continued.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Requesting information of the superintendent of the Wabash and Erie canal, - - - - -		332	Mr. Tingley	332	Lost.
Relative to holding night sessions, - - - - -		332	Garrett	336	
To proceed to the election of a United States Senator, - - -		333	Barclay	346	
Relative to a tax for the education of the indigent blind, - -		346	Barclay	384	
Granting use of Hall to State temperance society, - - -		384	Jones of F.	389	
Relative to hours of meeting, to expedite business, - - -		389	Smith	391	
Relative to the payment of the public debt, - - - - -		390	Leslie		
Relative to postponing the time of adjournment to 20th of January, -		391	Bradley		
Relative to taking up orders of the day at 2 o'clock, P. M., each day, -		391	Gregory		
Relative to election of State Librarian, - - - - -		392	From Senate		
Inviting Senate into Hall to go into election of State Librarian, -		415	Mr. Tingley	415	
Relative to certain credits due George H. Dunn, late Treasurer of State, - - - - -		435	Ways and Means	435	
Relative to the death of the Hon. Jared Darrow, - - - - -		438	Mr. Pettit	438	
Relative to the death of the Hon. Jared Darrow, - - - - -		438	Stophlet	438	
Relative to the death of the Hon. Jared Darrow, - - - - -		439	Herod	439	
Relative to time of meeting, and the order of business to be observed, -		446	Gregory	446	
Relative to printing reports of the State Bank and Branches, -		475	McClure of K.	475	

Relative to meeting at 6½ o'clock, P. M., and prescribing the order of business, - - - - -	498	Little	498
Tendering the thanks of the House to the Hon. A. C. Stevenson, Speaker, - - - - -	511	Robinson of C.	511
Relative to meeting at half past 6 o'clock, P. M., - - - - -	538	Pomeroy	538
Tendering thanks of the House to its officers, - - - - -	538	Rich	538
Requesting Governor to return Senate bill granting new trials, &c., - - - - -	572	Hodges	582
Relative to adjourning to meet at half past 6 o'clock, P. M., - - - - -	582	Colms	589
Relative to allowance to M. S. Ward, as assistant clerk, - - - - -	589	Huckeby	590
Relative to allowance to John D. Ferguson, as assistant clerk, - - - - -	590	Parker	
To inform the Senate that House have gone through with business, and are now ready to adjourn, <i>sine die</i> , - - - - -	602	Blakemore	602

Lost.

RICH, DEWITT C.

Appeared and was qualified, - - - - - 4
 Motions made by, 45, 55, 64, 76, 90, 146, 162, 172, 295, 347, }
 376, 414, 447, 449, 541, 548 }

ROBINSON, ANDREW L. (*of Carroll.*)

Appeared and was qualified, - - - - - 5
 Motions made by, 11, 12, 14, 28, 36, 55, 70, 76, 82, 106, 149, }
 150, 151, 162, 171, 193, 195, 205, 222, 223, 224, 228, 232, }
 233, 335, 236, 243, 249, 266, 274, 278, 292, 299, 302, 319, }
 334, 340, 357, 359, 362, 381, 441, 444, 445, 449, 452, 459, }
 480, 491, 494, 497, 504, 508, 509, 510, 529, 541, 560 }

ROBINSON, JOSEPH. (*of Decatur.*)

Appeared and was qualified, - - - - - 4
 Motions made by, 76, 87, 103, 114, 131, 135, 142, 144, 158, 172, }
 227, 238, 299, 342, 567 }

ROSE, ALLEN T.

Appeared and was qualified, - - - - - 4
 Motions made by, - - - 140, 210, 243, 267, 429, 455, 537

ROSSEAU, LOVEL H.

Appeared and was qualified, - - - - - 5
 Motions made by, - - - - - 287, 306

S

SECRETARY OF STATE.

Communications from, - - - - - 53, 278

SERGEANT-AT-ARMS.

Election of, - - - - - 30

SENATE.

Messages from,	13, 37, 43, 69, 79, 80, 89, 102, 122, 151, 152,	}
	188, 189, 191, 192, 171, 173, 176, 179, 180, 228, 237, 238,	
	275, 290, 291, 292, 293, 297, 299, 304, 311, 360, 383, 391,	
	395, 414, 418, 421, 423, 432, 433, 434, 439, 449, 484, 486,	
	488, 507, 512, 552, 553, 559, 560, 561, 564, 565, 566, 567,	
	568, 569, 577, 578, 579, 581, 582, 585, 586, 587, 589, 593,	
	594, 602, 603	

SHANKS, WILLIAM.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	158, 194, 207, 226, 503		

SHELBY, ISAAC.

Appeared and was qualified,	-	-	-	-	-	-	4
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SHIVELEY, JAMES S.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	-	-	-	-	-	-	61, 66

SIMONSON, JOHN S.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	15, 36, 89, 97, 100, 112, 114, 146, 164, 171,	}					
	193, 198, 218, 224, 256, 258, 274, 278, 334, 349, 368, 376, 380,						
	389, 391, 420, 422, 437, 440, 441, 444, 490, 542, 561, 564, 571,						
	573, 582						

SINKING FUND COMMISSIONERS.

Report of, laid before House by the Speaker,	-	-	-	67
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SMITH, THOMAS M.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	13, 38, 45, 70, 90, 116, 131, 140, 145, 150,	}					
	213, 224, 225, 292, 300, 348, 356, 366, 425, 466, 498, 528, 577						

SNOOK, HENRY F.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	-	347

SPEAKER.

Election of,	-	-	-	-	-	-	-	7
Appoints standing committees,	-	-	-	-	-	-	-	31
Announces order of business,	-	-	-	-	-	-	-	31
Lays communications before the House, 33, 40, 49, 53, 57, 67, 82, 93, 111, 112, 123, 126, 138, 150, 160, 163, 195, 229, 261, 266, 275, 277, 293, 303, 313, 348, 350, 351, 358, 361, 379, 431								}

STAPP, MILTON.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by, 29, 51, 67, 75, 93, 112, 145, 148, 149, 162, 198, 233, 234, 239, 251, 253, 340, 475, 476, 483, 497, 500, 508, 513, 537, 540, 548, 552, 603								}

STATE LIBRARIAN.

Makes his annual report,	-	-	-	-	-	-	-	40
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STATE PRINTER.

Communication from,	-	-	-	-	-	-	-	293
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STEVENSON, ALEXANDER C.

Appeared and was qualified,	-	-	-	-	-	-	-	3
Elected Speaker,	-	-	-	-	-	-	-	7
Motion made by,	-	-	-	-	-	-	-	542
Adjourns the House <i>sine die</i> ,	-	-	-	-	-	-	-	603

STOPHLET, SAMUEL.

Appeared and was qualified,	-	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	158, 159, 356, 453, 538			

SULLIVAN, THOMAS L.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	302, 445, 533, 580	

R

TAGUE, GEORGE.

Appeared and was qualified,	-	-	-	-	-	-	5
Motions made by,	76, 191, 201, 224, 240, 243, 323, 453, 469, 537						

THOMPSON, JOHN H.

Elected Secretary of State,	-	-	-	-	318, 325 and 326	
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TILTON, DANIEL M.

Elected door-keeper,	-	-	-	-	-	-	12
Communication from,	-	-	-	-	-	-	229

TINGLEY, GEORGE B.

Appeared and was qualified,	-	-	-	-	-	-	3
Motions made by,	38, 47, 112, 172, 184, 185, 228, 256, 258, } 276, 280, 287, 294, 295, 356, 380, 390, 530 }						

TOMLINSON, JOHN.

Appeared and was qualified,	-	-	-	-	-	-	4
Motion made by,	-	-	-	-	-	-	388

TREASURER OF STATE.

Communications from,	-	-	-	-	-	67, 124	
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TURMAN, THOMAS.

Appeared and was qualified,	-	-	-	-	-	-	4
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WOLF, GEORGE I.

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	-	-	-	104, 405

WRIGHT, THOMAS T. (*of Switzerland.*)

Appeared and was qualified,	-	-	-	-	-	-	4
Motions made by,	-	-	-	87, 158, 185, 222, 295, 437, 444	-	-	

WRIGHT, ELI. (*of Wayne.*)

Appeared and was qualified,	-	-	-	-	-	-	3
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ERRATA.

House bill No. 261, on page 432, should read 251.
House joint resolution No. 48, on page 432, should read 58.
Senate bill No. 222, on page 433, should read 122.
House bill No. 282, on page 450, should read 281.
House joint resolution No. 48, on page 450, should read 58.
House bill No. 133, on page 453, should read 135.
House bill No. 509, on page 477, should read 409.
House bill No. 94, on page 487, should read 74.
House joint resolution No. 272, on page 488, should read 273.
House joint resolution No. 272, on page 503, should read 273.
House joint resolution No. 48, on page 554, should read 58.
House joint resolution No. 282, on page 535, should read 281.
House bill No. 94, on page 562, should read 74.
House bill No. 254, on page 563, should read 354.
House bill No. 315, on page 563, should read Senate bill 168.
House bill No. 94, on page 575, should read 74.
Senate bill No. 353, on page 586, should read House bill 353.
House joint resolution No. 272, on page 590, should read 273.
House bill No. 197, on page 591, should read Senate bill 197.
House bill No. 178, on page 592, should read 175.
House bill No. 39, on page 595, should read 59.
House bill No. 229, on page 598, should read Senate bill 229.
House bill No. 392, on page 599, should read 292.
House bill No. 378, on page 599, should read 375.
House bill No. 182, on page 599, should read 181.
House bill No. 40, on page 601, should read Senate bill 40.
House bill No. 360, on page 601, should read 366.

The above corrections I send you, thinking they may assist in making out your errata. I did not note the errors until they became so frequent as to be palpable. I am not apprised where to locate them, but presume the responsibility (if any) should rest with your *compositor* or the *Assistant Clerk*. If the corrections given are of any convenience, make the best use of them, as I assure you they have cost me no little pains.

Yours, &c.,

J. H. FARQUHAR, *Clerk*.



NOTE.

I take the liberty of appending a note to the foregoing at my own expense.

I would inform Mr. Farquhar that I have no errata to make; nor are the errors which it has taken him *so much pains* to ferret out, those of the State Printer or his compositors. If the Legislature chose to elect incompetent and inefficient Clerks, and refused, when called upon, (see page 293, H. J.) to correct the evil, or apply a remedy, the fault lies not with the State Printer. The MS. copy is all preserved; and will show that the blunders are *all* on the part of the Clerks. The State Printer has no authority to alter the Journals as made out by the Clerks, as they ought, (though not hitherto so done,) to form a portion of the archives of State; because if he had, there could be no guaranty of their correctness. It is the sworn duty of the Clerks to attend to the matter; and the Legislature who elected them the last session can learn how they have performed their duty.

J. P. CHAPMAN,

State Printer.



